**FIELD TRIP TO SOUTH BOSTON** **MAURICE FORD**

THE
# NATION

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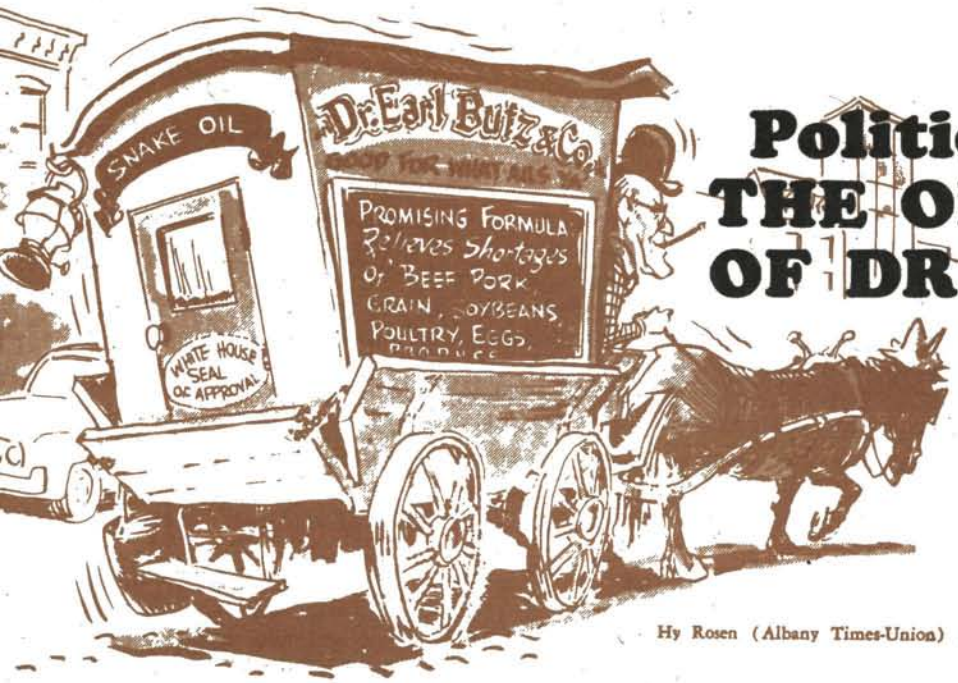


Hy Rosen (Albany Times-Union)

## Politics & Agribiz
## THE OPERATIONS OF DR. BUTZ
**LAUREN SOTH**

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# EDITORIALS

## Ideals and Interests

In his long, discursive interview with James Reston of *The New York Times* (October 13), Secretary of State Kissinger touched on a number of more or less philosophical themes. For example, he stressed, as he has on other occasions, that "interests" generally must take precedence over "ideals." Often we must settle for the best we can get, not necessarily what we prefer, because "national interests" require it. He did concede that "pragmatism unrelated to a purpose becomes totally self-destructive" and pointed out that this country's "idealistic tradition" gives it a resource that "exists in no other country in the world." But once again he managed to oppose "ideals" to "interests" in an unrealistic manner, a failing not uncommon among those who fancy themselves tough realists and clever pragmatists.

"Interests" is at best a slippery term. The economic interests of certain groups and industries? military and strategic interests? or what? Dr. Kissinger supported the war in Vietnam from the start. So he must have thought that what we did or tried to do there was in furtherance of our national interests. But he stresses what he regards as the termination of our active involvement as a positive achievement. So what are we to assume he thinks in retrospect about the war? And what made it possible for us to reduce our involvement in Vietnam if it was not, in large measure, the insistent protests of millions of starry-eyed "idealists" who, it turned out, had a more realistic perception of American interests than those war-gaming master strategists and crisis managers.

On the question of his involvement in the attempt to "de-stabilize" the Allende regime, Dr. Kissinger spoke about "the gray area between the exercise of diplomacy and the use of force," implying that he would like to see this gray area kept as compressed as possible. But he did not respond convincingly when Reston quoted Jean Monnet: "A democratic country as open as America can never really run a secret service"—meaning, of course, covert CIA-type operations—"and, if it tries to do so, in the end probably its losses are really greater than its gains." The ultimate reckoning on the cost of pursuing "national interests" by such means in Chile may well sustain Monnet's premise.

Nor did Kissinger know quite what to say when Reston quoted a colleague as having asked Willy Brandt, "What does the young generation in Germany now think of America?" and Brandt replied: "The magic is gone." When Brandt was asked what he meant by that, he said that we have used power, he thought, in a way that did not comport with our ideals, particularly in Vietnam. Isn't it realistic to insist that the opinion of the young generation in Germany and elsewhere—indeed world opinion—should have been more carefully weighed when this country's representatives were attempting to define American interests in Indochina? In the long run, how can this country hope to base policy on the pursuit of "interests" that cannot be reconciled with our traditional ideals? Isn't the basic problem always to define American interests in a manner consistent with those ideals and to apply th same tests to ways and means of implementing policy Posing an irreconcilable antithesis between "interests" an "ideals" constitutes an unrealistic evasion of the problem

## Conflicts and Motives

Disclosure of Nelson Rockefeller's gift list has raise issues that transcend in importance the question c whether he should be confirmed as Vice President. If h is confirmed, these issues and the doubts they raise wi continue to haunt him, nor will they be resolved if he i rejected.

The question of motive has confused the basic issue just as it has apparently confused Mr. Rockefeller. He i reported to be "perplexed and dejected"; he feels hu that his motives have not been universally understood a he understands them. But conflicts of interest do not tur on the question of motive. For example, a city employe may hold the patent rights on a product which he honestl believes would be of benefit to a city service. But conflict of-interest statutes that prevent a city employee from deal ing directly with the city are not aimed at assessing mo tives or judging the fairness of a particular transactio but at preventing the *potential* abuse inherent in suc situations, regardless of motive.

A conflict of interest was inherent in the loans whic Mr. Rockefeller made to Dr. William A. Ronan (forme chairman of the MTA and now chairman of the Por Authority), and to Edward J. Logue, head of the state' Urban Development Corporation. The public understand that an official may be placed in a position where h must decide whether to resign rather than accept som decision on which the person who appointed him to hi post insists, or to shelve his own best judgment and g along with the demand from on high. Because this ca be a very difficult decision, it should not be made mor difficult by placing a $500,000 personal loan in the scale In other words, it may be hard enough for the appointe to say "no," and forfeit his high-paying position and it perquisites; asking him to forfeit these and also face th possibility that a large loan might be called is placing to great a strain on the relationship. If the loans to Rona and Logue were legitimate loans, a conflict of interes was inherent in them; if they were intended from th start to be gifts, it would really make no difference. I either case they were improper. That the loans to Dr Ronan were canceled during a two-week period when h was technically off the state payroll would merely indi cate an awareness of the impropriety, that is, of the con flict of interest.

The $50,000 gift to Dr. Kissinger falls in a differen category; no inherent conflict of interest was involve since Kissinger had ceased to be Rockefeller's adviser. Bu the fact that the gift was made three days before Kissinge was sworn in as Nixon's national security adviser sug gests not so much appreciation for past services as expec tation of continued loyalty and, one might say, read access and influence. It was indiscreet in the sense tha if known, it could embarrass both men, but it was nc improper per se.



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On the other hand, the financing of the Victor Lasky-Arlington House book smearing Arthur J. Goldberg was, as Sen. James Buckley concedes, "obviously in a dirty tricks category." (The Senator's brother, William F. Buckley, Jr., is chairman of the corporation that owns Arlington House, so the judgment may be accepted as objective). In this instance there can be no pretense that the funds were advanced for the purpose of meeting "the pressing human needs" of Victor Lasky, the rationale Mr. Rockefeller used in justifying some of his other gifts and advances. Here the purpose was to finance a hatchet job on Mr. Rockefeller's opponent in the gubernatorial election of that year. The deal was negotiated by John A. Wells, a long-time trusted Rockefeller adviser, and if Mr. Laurance Rockefeller put up the $60,000 involved as a legitimate investment his reputation for business acumen must be reassessed. Nor does it matter much that his brother Nelson now admits that he had prior knowledge of the book or that he has personally and publicly tendered his "sincere and unqualified apology" to Mr. Goldberg. It is a measure of the corruption of our political mores that a man of Nelson Rockefeller's position and stature should even momentarily have considered such a politically stupid and morally offensive tactic.

This new evidence not only demonstrates that Mr. Rockefeller, for all his experience in public life, fails to understand what conflicts of interest are all about, or, if he does, that he is quite willing to ignore them to serve his own ends; it also demonstrates that he does not understand, on the basis of his own statements and sworn testimony, the kinds of conflicts of interest to which great wealth, such as that possessed by him and by other members of his family, can so easily give rise. In the circumstances, the Senate Rules Committee should reopen the hearings and take further testimony.

## Jaworski's Resignation

It is painful to say this, but Special Prosecutor Leon Jaworski's resignation, effective October 25, smacks of a cop-out.

Mr. Jaworski's performance as Special Prosecutor has been exemplary. It is consistent with his known record as a practicing lawyer, a former president of the American Bar Association, and a public figure. There is reason to believe that in appointing him, Richard Nixon relied on Jaworski's conservative leanings for as gentle treatment as could be expected under the circumstances. If so, Mr. Nixon was disappointed.

But that is in the past. Mr. Jaworski now feels that his task has been largely accomplished. Actually, his departure is premature and leaves unsettled matters that are by no means unimportant. What impelled him to spoil a record so praiseworthy? *Newsweek* (October 21), quoting a "close associate," suggests that Jaworski was "lukewarm" about writing a final report which would make explicit Nixon's role in Watergate. If so, he joins Nixon's apologists, who argue that he has been punished enough. The same source added that Jaworski wanted to avoid the task of prosecuting his fellow Texan and one-time friend John Connally in the milk-money scandal.

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Whatever the merits of these reports, Jaworski leaves the erroneous impression that Watergate is all cleared up. It may seem so to those who take a short-term view, but the fact is that Richard M. Nixon presided over a conspiracy to subvert the American democracy which is about to celebrate its second centennial, and it would be rash to assume that he is the last of his breed. The more the facts are brought out in the present plot, the greater is our protection against future attacks.

Then there is the question of President Ford's blanket pardon of his predecessor and benefactor. Mr. Ford has volunteered to explain his reasons and motivations before a Congressional committee, but in effect, Mr. Jaworski has already prejudged the episode in Mr. Ford's favor. He feels the President—any President—can exercise the power to pardon at any time after a federal crime, whether actual or putative, has been committed. It is a dubious interpretation. Article II, Section 2 of the Constitution reads that the President may pardon "except in cases of impeachment." Mr. Nixon avoided certain impeachment by resigning. Can, then, a President who was headed for impeachment be absolved by a pardon, granted by his successor—whom he has himself appointed?

Further questions are raised by the timing of Jaworski's resignation, just as the trial of the five defendants in the cover-up case is beginning. He cannot possibly know what revelations that trial may bring. The joint interests of the defendants, if any still exist, are outweighed by their separate, individual interests. Who knows what varieties of plea bargaining may emerge, in which Jaworski's judgment might play a decisive role? The public, surely, would have more confidence in any such bargains if Jaworski were still on the scene, regardless of the merits of his successor. Henry S. Ruth, who was recommended by Mr. Jaworski, is credited with having held the staff together after Archibald Cox's dismissal, but there is no certainty that he will be appointed; in fact, if President Ford's logic is followed through, *no* successor may be appointed.

## Bussing in Boston

President Ford's hastily considered comments on Judge W. Arthur Garrity's ruling in the Boston school desegregation case at his October 9th press conference revealed a misunderstanding of the Constitution, misconceived the function of the executive branch and undermined the cause of equal justice under law. While deploring violence, the President felt compelled to say that Judge Garrity's decision "was not the best solution to quality education in Boston," reiterated that he had "consistently opposed forced bussing to achieve racial balance as a solution to quality education" and disagreed with the judge's decision (see article by Maurice Ford, p. 389).

Very few people, black or white, enjoy pouring public funds into bussing and into paying overtime to state and local police (who in Boston, by the way, have done an exemplary job). But bussing in Boston is not to bring about some whimsical racial balance. It is a necessary remedy to enforce the constitutional right of both black and white children to attend *desegregated* schools. In a more than 100-page opinion last June, Judge Garrity detailed how the Boston School Committee, through means devious and overt, systematically segregated and discriminated against black children and teachers. It is to vindicate these rights, to undo the harm which has been done, that bussing is necessary. For only in a desegregated environment will children of both races learn to interact and to think of one another (and themselves) other than in terms of stereotypes. Only then will the school experience be a microcosm of the real world.

In his statement, President Ford also urged the citizens of Boston to respect the law, but he is an experienced politician and should have foreseen the effect of his remarks. The message to whites in South Boston was that, Judge Garrity notwithstanding, "their President" understood and was with them. The message to blacks was that the Chief Executive had small concern for their legal rights. At the very moment when Mayor Kevin White was in court requesting federal marshals, and when the NAACP was requesting additional state police and possibly federal troops, so turbulent was the situation in Boston, the President, at his news conference, was declaring his reluctance to provide federal assistance.

In Boston, reaction was predictable. "I was so happy when I heard his statement I felt like screaming," said Mrs. Fran Johnnene, an anti-bussing leader in Hyde Park. State Rep. Michael Flaherty of South Boston commented: "I love him. He said what we've been saying all along. He implied that technically everybody must obey the law, but civil disobedience to an unjust law does not warrant federal troops coming into a community." School Committeeman John J. McDonough said that President Ford's remarks left "Judge Garrity against the world. He should sit down, and say 'Am I right and everybody else wrong?' " In our country, it is the judiciary which interprets the law. The Executive, despite whatever disagreement he may have, should encourage respect for law and support those charged with enforcing it. Mayor White was justifiably outraged when he declared that the President's statement "encouraged false hopes and fanned the flames of resistance that will almost inevitably lead to further disruption in Boston."

In response to almost universal criticism in the press and by the legal profession, and perhaps with some belated insight of his own, President Ford has complied with Sen. Edward Brooke's request that he tape a special message to the people of Boston, reminding them of their city's proud heritage of respect for the rights of others and insisting that children's safety must be paramount. This shows a refreshing ability to admit error and to reconsider, an ability lacking in his predecessor. But it will be difficult to eradicate the effect of the President's first remarks on those not disposed to comply with Judge Garrity's order in a troubled city.

## Menon: The Counter-Dulles

No doubt V.K. Krishna Menon, whose death on October 6 was with few exceptions indifferently noted in the U.S. press, was temperamental, did not suffer fools gladly, and was often impatient, mercurial and abrasive. What has been largely forgotten is that these defects—



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which coexisted with much kindness and good humor—are not too important in a man of Menon's political stature and achievements. With all its poverty and squalor, India is a great country, and it owes its independence largely to Jawaharlal Nehru and Krishna Menon, following Gandhi's spiritual guidance while he lived. To carp at Menon is like criticizing George Washington because he was parsimonious in the management of his estate.

For many years, Menon was a one-man lobby in London for India's independence. The Commonwealth of India League was practically moribund when he took it over in 1929. Bertrand Russell and Stafford Cripps had done their best for it, but they were not Indians. Menon pamphleteered and lectured ceaselessly, literally lived in the League office, and subsisted largely on a diet of tea and buns. Yet he had inexhaustible energy and after he and Nehru met the two were for many years almost inseparable.

Menon was certainly not a dedicated capitalist, but he was far too independent to function as a Communist fellow traveler, which is the image that has often been projected by the journalists, and not only by those in the United States. He was, to be sure, a man of the Left, and in the West a certain odium attaches to such people—Harold Laski, C. Wright Mills, even, in time of right-wing frenzy, to liberal capitalists like Cyrus Eaton or Edward Lamb.

The one great error which stands to Menon's discredit is his underestimation of the threat of Communist China while he served as Defense Minister. But he has been belabored far too heavily. On the other hand, when he was named as India's delegate at the United Nations in 1952, Menon's statesmanship was a material factor in the organization's prestige and influence during his tenure and in India's leadership of that body. At the U.N. and in every other available forum Menon stressed the essentials of world order. James Tracy Crown, professor of political science at New York University, who knew Menon well and did biographical research on him in India, has emphasized his feeling for the indispensable elements in world affairs: "What Menon effectively insisted upon was that Third World countries must be given a voice in world councils; international peace depends upon world cooperation between the United States, the Soviet Union and the People's Republic of China; and world disarmament now is an absolute necessity." The first has been achieved, a beginning has been made on the second; without the third, poverty and insecurity remain the fate of billions of human beings.

V.K. Krishna Menon was in effect the counter to John Foster Dulles, and as such he was often quoted in these pages with approval and gratitude. [See "Krishna Menon: Architect of Peace" by Sam A. Jaffe, *The Nation,* August 28, 1954.]

WAITING FOR THE BUSSES

# FIELD TRIP TO SOUTH BOSTON

**MAURICE FORD**

*Boston*

We had been academically prepared. We had participated in a course together on desegregation—The Development of Law: Concepts of Judicial Review—at Harvard College in 1973-74. We had read *Brown* v. *Board of Education* and Justice William Brennan's opinion in *Green* v. *County School Board of New Kent County, Virginia,* in which, impatient with delay in the South, he called for immediate desegregation "root and branch," and expressed the hope that America would soon be a country where the public schools were "neither white schools nor black schools, but just schools."

We had examined the social science evidence pertaining to "equal educational opportunity," particularly the Coleman Report, which emphasized the importance of social class, as well as racial integration. This gave us warning that school integration between poverty-stricken Roxbury and lower- to working-class South Boston might prove to be close to the worst of all possible educational worlds—at least if a dramatic increase in scholastic achievement was hoped for.

We had tried to be sensitive to the importance of community. Five of the members of our seminar had been black and had given us some sense—in Harvard surroundings, to be sure—of the black experience. Most of the rest of us had read *Black Power, Soul on Ice* and John Howard Griffin's moving *Black Like Me.* We discussed "community control" and the struggles between the residents of Ocean Hill-Brownsville and Albert Shanker's United Federation of Teachers over decentralization in New York City and the clash between black and Jewish standards, interests and values. We read Nathan Glazer and Daniel Patrick Moynihan's *Beyond the Melting Pot,* which emphasized the stubborn survival and hardy persistence of ethnic communities in America, and the close identification people felt with them. We had followed all the debates in *Commentary* about the meaning of "liberalism."

Our course had tried to do more than merely contemplate ideas in the comfortable security of the Dunster House Senior Common Room. We had gone to Washington in the fall of 1973 and met individually with Justices William O. Douglas, Potter Stewart and Lewis A. Powell. Black and white together, we had gone to the Court again the following March to hear our friends, J. Harold

*Maurice Ford, a tutor in Dunster House at Harvard College, is at work on a book entitled* A Liberal Dilemma: The Supreme Court and the Idea of Equal Educational Opportunity. *See editorial, p. 388.*



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("Nick") Flannery, now executive director of the Lawyers' Committee for Civil Rights Under Law, and Nathaniel Jones, general counsel of the National Association for the Advancement of Colored People, argue the historic Detroit metropolitan desegregation case.

Almost weekly during the summer I had mailed the class copies of judicial decisions and newspaper articles relating to integration and other topics we had covered in the course. Some members of the class discussed these developments with law teachers and lawyers in their home communities. We were disheartened in late July when the Supreme Court, by a 5-to-4 vote, overturned Judge Stephen Roth's decision to metropolitanize the Detroit schools. This put the damper on efforts of courageous federal district judges, like Judge Robert Mehrige, who had previously ordered merger of the Richmond, Va. public schools with those in surrounding Henrico and Chesterfield Counties. It meant that, until a change in the composition of the Court, deteriorating, largely black city school systems—the Newarks, Philadelphias and Oaklands of this world—would continue to be ringed by comparatively affluent white suburban school systems, which could serve as "escape hatches," free from judicial intervention.

But there was hope, much of it emanating from Judge W. Arthur Garrity's courtroom on the 12th floor of the John W. McCormack Federal Building in Boston. At the end of June he had issued a sweeping opinion in the case of *Tallulah Morgan* v. *Boston School Committee*, which described how long and how systematically, through almost every possible subtle device, the schools of Boston had been segregated, and a firm order that they be desegregated at once in the fall. The Boston case, too, had been tried by Nick Flannery.

Throughout the summer the members of our class, in the Boston area especially, followed closely as counsel for the plaintiffs, the Boston School Committee, the State Board of Education (which was trying to enforce the Massachusetts Racial Imbalance Law), the teachers' union and Mayor White's office assembled in Judge Garrity's courtroom and attempted to hammer out the flinty, sometimes intractable, problems which would attend the opening of classes in September.

There were reassuring signs. Judge Garrity, after having issued a stern desegregation order, seemed to bend over backward to be gracious to all parties. He realized that when a federal judge, not popularly elected, tackles the solution to a major social issue, over which there is much opposition, he must be unusually careful to avoid dogmatic approaches. Judge Garrity was open to, even eager for, suggestions, and did not pretend to have arrived at many answers beforehand.

The Church did its part. Cardinal Humberto Medeiros, an outspoken supporter of the Massachusetts Racial Imbalance Law, had made it clear that he would not allow the parochial schools of the city to accept transfer students, which might subvert desegregation. Cardinal Medeiros' only problem was that he wasn't Irish; a Cushing, with his gravelly voice, would have had South Boston eating out of his hand. Black ministers in Roxbury actively counseled against violent reaction to the hostility which would inevitably accompany bussing.

The news media also banded together to try to insure that Judge Garrity's order was carried out as smoothly as possible. Beginning late in July, a concerted effort was made to devote an enormous amount of press coverage and television time to promote the positive aspects of integration. Areas of the country where integration had been successful—Charlotte, N.C., San Francisco and Riverside, Calif.—were featured. Incidents of violence were underplayed. This was a delicate decision, which would later lead to charges of managing the news. South Boston residents set up their own information center, to counter what they believed to be biased coverage (although a lot of the violence which was underplayed was their own). There was often a discrepancy between local and national coverage of events in South Boston. I believe, however, that, on balance, the decision to underplay disrupting incidents and to give credit to the forces of moderation helped reduce the level of antagonism.

We knew that it would not be easy. Political careers—notably that of Louise Day Hicks, Boston's head mother—had been made for a decade on the issue of bussing. The new chairman of the Boston School Committee was campaigning for district attorney under the banner "Kerrigan the Fighter," and we all knew what he was fighting. A Gallup poll indicated that 72 per cent of Americans favored a constitutional amendment to prevent bussing and, for several years, legislation to that effect had passed the House of Representatives, only to be watered down (on a close vote) in the Senate. When Sen. Edward Kennedy, from a family closer to God than the Cabots and the Lowells in Massachusetts, attempted to speak in Government Center in favor of compliance with Judge Garrity's decision, he was splattered with refuse. Grotesque remarks were made about his ill son and his deceased brothers, and he was shouted off the stage by members—mainly mothers—of ROAR ("Restore Our Alienated Rights"). Graffiti appearing on the walls of Dorgan's Restaurant, at the foot of the hill on which South Boston High School stood, and on the school itself, proclaimed "This is Klan Country," "Kill Niggers," and "Garrity Sucks." The neatly trimmed row houses leading up to the school had banners saying, "Love Is Going to Your Neighborhood School," showing two white toddlers, a boy and a girl, holding hands and carrying American flags.

Outsiders saw their opportunity. David Duke, national director of the Knights of the Ku Klux Klan, arrived on the scene and addressed an enthusiastic rally, which was somewhat ironic in South Boston, considering the Klan's record with Catholics. "We are going to win a great victory in South Boston for the white race," he said. "The tide is beginning to turn against forced race mixing. It is our duty, as white people, to be proud of our heritage, to help return civilization to this continent. There is a tremendous change taking place here, in Boston, in the cradle of liberty. . . . [T]he tyranny of the federal government is much worse than the tyranny of the British. Our struggle is much harder. The federal government is taking little white children out of their homes and sending them into black *jungles*." A delegation of the American Nazi Party, in uniform, had arrived in its own bus. But all this was comical, we thought. The Klan were as



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much outsiders in Southie as blacks, and, as Peter Schrag has described in his wonderful book about the Boston public school system, *Village School Downtown*, in that closed society *no* outsiders were welcome. The members of the American Nazi Party seemed an out-of-place anachronism; in any event their bus was promptly escorted by the police to the state line.

Yet there was an affinity, the elements of which I cannot quite put my finger on—patriotism, short hair, conservatism (the Grand Dragon was a neatly dressed young man from Louisiana who would not have been out of place on the *Lawrence Welk Show*), religious fervor, a tendency to think in terms of absolutes, a very real need for security. These elements were also present at an anti-bussing rally of 5,000 people which took place in Southie during the third week of school. Those gathered together sang *God Bless America* and recited in unison their own version of the Pledge of Allegiance: "I will not pledge allegiance to the court order of the United States District Court, or to the dictatorship for which it stands, one law, incontestable, with liberty and justice for none." During my years at Harvard I had had a very stimulating seminar in American literature with Prof. Kenneth Lynn in which we had surveyed the stereotypes which both whites and blacks seemed to have of each other, and during the first few weeks of school I had chanced to see a revival of D.W. Griffith's 1916 classic, *The Birth of a Nation*, with its glorification of the Ku Klux Klan during Reconstruction. These, together with shreds of overheard conversations in Southie, helped me grasp one common, but seldom expressed, fear which united whites against blacks—a very deep sexual fear, of rape and assault upon their daughters by wild men from the jungle. For a court order to get at *that* was a formidable task.

Upon the opening of school on September 12, there was massive boycotting, particularly in the newly created "South Boston-Roxbury High" district, which involved cross-bussing. Many of the busses bearing black students were stoned. One night a number of bullets from speeding cars were fired into the virtually all-black Columbia Point housing project, on the border between South Boston and Dorchester, and police feared that self-formed vigilante "community patrols" might retaliate (the occupation of the Columbia Point project by a largely white police brigade to prevent this led to further tensions). Still, the message was not quite brought home to us who sat weekly in the comparative serenity of Judge Garrity's courtroom, where matters like the creation of biracial councils to deal with incidents relating to desegregation were being debated.

Upon their return to school in September, my undergraduate students were quite naturally eager to see at first hand "how things really were" in Southie. I had been there several times, monitoring the bus runs. The route was lined with police to prevent incidents of stoning and other violence. The cops were in a curious, often difficult position. On the one hand, while school was in session and before blacks attending South Boston High emerged to get on the busses for the trip back to Roxbury, there was a chummy cameraderie between the police, relaxing on the stoops of houses near the school, and local "Moms Against Bussing." Many of them, after all, came from the same social class and shared many of the same basic assumptions. Many had been born in Southie itself. Yet when the busses started to run, there was a parting of the ways. Moms, and sometimes quite young children, would stand on the corner as the busses passed, making gestures and hurling epithets at their occupants. The police, on the other hand, on foot, on horseback and in patrol cars, made certain that the crowds were held back and no violence occurred. The scene was ugly—in many ways reminiscent of the 1957 occupation of Central High School in Little Rock by the National Guard—but it seemed under control.

It was significant, both on a symbolic and practical level, that when the trouble came, the police *were* there, steadfastly upholding the black students' right to attend desegregated schools, pursuant to Judge Garrity's order. Ms. Frankie Freeman, a member of the United States Commission on Civil Rights, had come to Boston to look over the scene and expressed the belief that the racism she witnessed in Southie was much more virulent than she had seen in the South. Yet there was, it seemed to

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me, an important difference. No Bull Connors pursued black students, seeking their rights, with cattle prods. No official sanction, either by looking the other way when a nasty incident occurred or otherwise, was given to the protests of the residents. Mayor Kevin White had come out strongly in support of the court order, and Police Commissioner Robert di Grazia had personally ridden the busses to escort black children into school. Perhaps this change represented a natural evolution from 1964 to 1974. Perhaps, except for memories of what had happened on the streets of Selma, it would not have been as orderly. But it was critical that the official stance taken by local officials was that the Constitution must be obeyed and that the police would brook no interference with black children's entitlement under it.

It was this that my students wanted to witness. They wanted to get a feel, as well, of South Boston as a community, to get a sense of the magnitude of the disruption which bussing might bring. On Wednesday of the second week of desegregation four of us, all white, journeyed over to Southie, riding up Broadway, which seems to contain more Irish pubs per capita than any place this side of County Cork. But they are comfortable pubs —pubs like Amrhein's Restaurant, to which whole families went to dinner, which local politicians frequented, and where issues of concern to the community are discussed. On an earlier visit to Amrhein's I had talked with several of the waitresses, themselves mothers of young children in the public school system. They seemed unusually nice, caring people. There was little overt racism; their chief concern—and it was a realistic one, given conditions in Roxbury—was for the safety of their children if bussed into a high-crime area. South Boston is an economically depressed area, and much of what we saw seemed pretty dreary. But most of the row houses appeared well kept up and the lawns neatly manicured, with that prim trimness which is often ingrained through Catholic parochial education. Southie was a community which still cared about itself and which would not easily give up its traditions.

On the following Friday, September 27, I made another trip, this time with one white, Richard Alfred, and two black students, Charles Williams and Terry Barber, all seniors at Harvard College. We realized that there were some risks, but there had been plenty of police protection when I went earlier with my white students, and I thought that, as mere spectators, we might, at the worst, receive a few derogatory insults. This would be an instructive part of the experience.

We strolled down William J. Day Boulevard, named after Louise Day Hicks's late father, Judge Day. It was a pleasant walk, with light sea breezes blowing in from Boston Harbor. In the distance we could see the L-Street Bathhouse, where the L-Street Brownies (many of them septuagenerians) take their celebrated midwinter ocean baths. On top of nearby Dorchester Heights was South Boston High, a dull-yellow brick building overlooking the whole South Boston community, and, symbolically, at its center. Southie High, as one writer has described it, is "99 per cent white and the symbol of neighborhood pride and defiance. Only 4 per cent of its graduates have gone to college, and only one-quarter of those who went finished all four years. A Southie High education was one thing everyone had in common, except for those who went to church schools."

Our visit brought home to us a new and important dimension of the situation. We had read Judge Garrity's opinion and opinions in innumerable other school desegregation cases with their language about deferring to the "expertise" of the local federal district judge familiar with local conditions. But the meaning of this was not fully evident to us until we were actually on the scene. Only then did we realize what Southie High represented in terms of South Boston residents' sense of their community.

When we were about 1,200 yards from the school, we noticed, or more accurately were noticed by, a gathering of about fifty kids, aged 8 to about 20, who were waiting for the busses bearing blacks to roll by. On previous occasions the area where we were had been well protected by the police. Earlier in the week, however, disorders had broken out in other parts of the city—Hyde Park, Charlestown and East Boston (the latter two areas not even yet subject to Judge Garrity's order, but fearing the future). So the usual contingent of police was missing.

Suddenly a spontaneous murmur arose, although we were just walking along, trying to mind our own business. "Niggers," "Nigger Lovers" and "boneheads" came in increasingly louder shouts from the crowd. But nothing happened. Until one rock was thrown. Then came a shower of rocks—one hitting me, although I did manage to escape a quite sizable boulder.

Then, with a lurch, the mob of kids charged across the boulevard. Most of them, it became evident, had boycotted school that day and were waiting, with rocks, for the busses. But since the busses were likely to have heavy police protection and since they might be arrested, they found us instead.

I had read about the unpleasantness which had greeted the members of the civil rights movement of the early 1960s and had seen Atticus Finch in *To Kill a Mockingbird*, but it all somehow seemed rather romantic. The experience of being mobbed was not romantic. We did not see a policeman and were in terror for our lives. I will never forget the hatred on the faces of that surly, snarling mob—particularly on the faces of grammar school children.

But the experience which Richard Alfred and I had was nothing compared to the experience of our friends, Charles and Terry. We, after all, were white. The mob charged past us, after their real quarry. Terry was jumped and Charles was hit with a baseball bat.

Fortunately police had been stationed, as lookouts for trouble, on the roof of a nearby, all-white housing project. With sirens wailing, about seven police cars quickly inundated the area. The mob dispersed and we were left relatively uninjured. We were hustled into a police car and taken to a subway station in a more integrated section of the city. The police were splendid to us. One of them, apparently an Irish Catholic native, apologized to Charles and Terry on behalf of his race. Richard and I did the same. I who, as a youth, had gone to Our Lady of Lourdes School in the Jamaica Plain sec-



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tion of the city, was taken aback by the ugliness which had so quickly surfaced.

I am certain that I do not grasp the feelings of my black student friends. Charles Williams, graduate of Andover Academy and one of my prize students at Harvard, was thought of in terms only of "Nigger." As we wiped the sweat off one another in the police car, he tried to share his experience. Fear. We were all certain that had the police arrived but two minutes later, we would have been hospitalized with severe injuries. Sorrow. It was pitiable that our attackers had no more than us to occupy their lives and so little hope for themselves, much of it attributable to an impoverished educational system. Hatred. An emotion that Charles Williams had not experienced toward whites before. For Terry Barber—as for the rest of us—it was an experience more telling than a year of seminar discussions.

It was still early afternoon when the police drove us out of Southie, and we decided to go to Judge Garrity's courtroom, where the desegregation hearings were continuing. The very lack of drama in the courtroom—in contrast to what we had just been through—brought into focus both the virtues and limitations of the legal process. The reasonableness of the arguments, the courteous references to counsel on the opposing side as "my brother," and the benevolence, sometimes breaking into humor, showed to all parties by Judge W. Arthur Garrity were reassurance that justice would, in the end, prevail. The proceedings on the 12th floor of the federal building seemed, on the other hand, so isolated from the hatred which had been internalized, at a very young age, in the students who had attacked us on Day Boulevard. How could the order of a federal court hope to penetrate and to overcome those emotions? Some studies, notably those of Judith Ann Porter in her book, *Black Child, White Child*, have quite convincingly demonstrated that racial attitudes start to be formed at a very young age. Acting on this evidence, a federal judge should probably order cross-bussing for kindergarten or preschool children. That would be the logical, reasonable solution. What we experienced in Southie showed us, simultaneously, how important, but how politically impossible, that solution would be at the present time.

Judge Garrity, at least, was determined to try to do what he could. Although he was not aware of what we had been through, he seemed to speak directly to us—"rambling on," as he put it, about the Constitution:

> [A] great deal is being said about the possibility of bussing being eliminated somehow by Congress, that somehow all this will fade away, that some action will be taken.
>
> Changes can be made within the law.
>
> Can bussing be eliminated? Of course it can, within the law. Our Constitution is the supreme law. Bussing means an amendment to the Constitution. Can it be done? Of course it can, within the law.
>
> Congress has no power to make legislation that would nullify the constitutional rights of students. It should be understood that the legislation being talked about in Congress must be in terms of an amendment to the Constitution.
>
> The law provides for appealing to the U.S. Court of Appeals. The District Court is not the last word. I am subject to review. There is an appeal pending there now.
>
> Depending on the orders of the Court of Appeals, there's no constitutional way for this court to backtrack or back-pedal.
>
> It's so easy to forget that white children benefit under desegregation. They have a right to desegregation so they can grow up in a desegregated world.

If there was any hope for generations yet unborn, this seemed to be it.

My students talked of their experience later in the day with former city councilor Thomas Atkins, currently the head of the Boston branch of the NAACP. He, too, was in the courtroom. We also met with a young law clerk to Judge Robert Mehrige, who had decided the Richmond metropolitan desegregation case. Both of them happened to be in Boston at the time. This enabled us to compare current conditions in the North and in the South. But the dominating presence—and hope for the rule of law—was Judge Garrity. □

# GUAM: NEW HUB OF THE PACIFIC

**ROGER W. GALE**

Although a speck on the world map, Guam may soon become the hub of America's presence in Asia. Most distant of all American colonies, the island's economic potential is now being recognized for the first time. It is within 1,500 miles of both Tokyo and Manila, and is fast becoming part of the Asian economic orbit after long years of isolation and secrecy imposed by the American military. Guam has probably changed more in the past five years than in the 250 years since the Spanish seized the island. A sleepy port of call since it became an American colony during the Spanish-American War, it is experiencing an astounding annual growth rate of more than 25 per cent. More than a dozen hotels have transformed once tranquil Tumon Bay into a junior Waikiki; the newest of them is the tallest building between Honolulu and Manila. More than 6,000 new homes have been completed in the past four years alone.

Tourism, almost all of it from Japan, has become Guam's most visible industry. Last year, 240,000 tourists visited what is now Japan's most popular "Caribbean" island; it was the destination of almost a third of Japan's world travelers. Five years earlier, only 3,500 tourists had stopped at Guam.

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But despite the sudden tourist boom, the U.S. military, hidden behind its fences, is still the mainstay of the economy. It employs more people and buys more services than does any other activity on the island. According to Navy figures, the $171 million it spent last year constituted a full one-quarter of the island's economy. It was only a few years ago that the Navy relinquished control of the island's power, phone and water systems. Until 1963, in fact, permission from the Chief of Naval Operations in Washington was needed to visit the security-conscious island. In the past decade, especially during the war in Indochina when B-52s flew bombing missions from Guam, the military presence has grown immensely, but security has become less of a preoccupation.

Although Guam is the Navy's largest home port and will grow even larger next year when six new destroyers are transferred to the island, the military now has a rival for economic predominance on the island. Like the military, it does not wish to advertise its presence, but in the past few years investment and land speculation have become a major industry on tropical Guam. A free port, with casual accounting practices, Guam has become a haven for excess Japanese yen and, since Nixon's visit to China, for insecure New Taiwan dollars. Because large contracts are becoming scarce in Vietnam, South Korea's largest construction firms have moved their major foreign operations to Guam. As a result of all this new money, between 1972 and 1973 bank deposits rose a phenomenal 300 per cent and recorded loans increased almost 700 per cent.

With a population of 105,000 and a density per square mile of 500, Guam's potential for capital-intensive growth is incalculable. Something more than one-third of the 206-square-mile island is in U.S. military hands, so land prices in prime areas have shot up to as high as $1 million an acre. Speculation in tract homes still to be built by Kaiser Industries or by one of the Korean construction firms, has raised the cost of the average two-bedroom house to about $50,000.

There are a number of reasons for Guam's sudden boom. One, of course, is the publicity it received during the bombing of Indochina. Others have more substance. Says John Stanley, a retired Army colonel who is a consultant to Japan's Fujita Hotel chain, "Guam is American and therefore is stable. There is virtually no place in the Pacific that has had less internal turmoil and strife. At the same time, there is no place in the Pacific which has so many investment opportunities with so little government scrutiny."

Being until recently within a $150 round-trip air fare of Tokyo and Osaka has made Guam the first choice of lower-middle-class Japanese honeymooners. Now that a ritzy 18-hole golf course is open, businessmen are responding to the island's charms. Guam is also a free port and therefore attractive to producers and retailers of high-cost, low-weight goods like watches and cameras. Watches, which are partially assembled in a number of small factories on the island, can be imported into the United States at reduced tariff rates. In the future, it's location at the "mouth" of Asia will be a more important factor in Guam's growing role as a transshipment point to and from the U.S. mainland. Because Guam's economy is almost all "store-bought," with agriculture nearly nonexistent, ships now return to the West Coast almost empty.

As an air hub, Guam has grown in five years from a one airline island to being served by six regularly scheduled airlines and a number of charter and transient aircraft. A new $25 million air terminal is in the works. Guam is already the world's biggest cable crossing, and a new trans-Pacific cable now being laid will make it still more important in this respect. The island is also the "Communications Area Master Station" for the Pentagon, coordinating all military communications in Southeast Asia, Japan and the South Pacific.

Although the local labor supply is small and fully employed by the military and the government of Guam, cheap nonunionized labor from the Philippines and Korea is easily imported. Receiving the minimum wage (a good part of which has to be sent home to their families) and living in military-style barracks, workers are hardly in a good bargaining position.

In addition to all these attractions, Guam is virgin territory in an area that is being picked over and ripped off by multinational corporations based in Japan and America. It has attracted the largest Korean construction companies, but most of the Japanese and Chinese investors remain middle-scale. Perhaps unable to compete with their bigger corporate colleagues elsewhere, they have staked out Guam as their own.

Nevertheless, Guam remains firmly under American control. Retiring Congresswoman Julia Butler Hansen (D., Wash.) sounded the alarm last year when she became aware of the encroaching Asian "peril" on American turf, but in the long run she probably has little to worry about. Not only is the military still the major component in any financial calculation but the island's whole infrastructure is also in American hands. Banking is dominated by the worldwide threesome: Chase Manhattan, First National City and Bank of America. Petroleum is the monopoly of Mobil and Exxon and almost all imported capital goods are of American manufacture. In numbers too, Americans are clearly in charge; 40,000 of the island's population are what are known as "statesiders."

Relations between the military and the new economic invaders, while not intimate, are hardly strained. Tourism and the military are good partners. During the height of the mainland bombing, B-52 crews were housed in the new hotels along with Japanese honeymooners. Lolling on beaches, drinking, carousing, and shopping are as much the pastimes of the typical military man from Dubuque as they are of the typical tourist from Nagoya. And the front desk in almost all of Guam's Japanese-run luxury hotels is manned at least part of the time by an Air Force or Navy enlisted man who would rather work an extra job than idle away his spare time in the barracks.

Yet, being a relatively small market 6,500 miles from the U.S. mainland has meant that the island has not attracted an abundance of large-scale American corporate investment. This may not always be so. Guam is buzzing with the idea that in the next decade it will be transformed



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into an American corporate center and *entrepôt*, like Singapore. The Stanford Research Institute is now completing a study on how to attract more business and the government of Guam recently brought in a group of investment bankers for a week-long look at the island. Says John Kerr, the newly elected head of the Chamber of Commerce, "American businessmen in Asia will soon begin to see the advantage of relocating their regional offices here. To hurry them up, we're sending out packets of information now to Americans all over Asia." Three years ago, the Federal Aviation Administration started the trend when it moved its Asian offices to Guam. Since then, a few small American firms have followed. Now, the National Maritime Union is moving its Yokohama offices to Guam.

The tentacles of the American empire are hardly being withdrawn from Asia, but in parallel with the present American military pullback to Guam and the surrounding islands, American firms are now looking for more secure bases. Says a Chase Manhattan executive on the island, "The fact that five big American banks have set up shop here is a sign of something. At first, people used to think being transferred here was a demotion; now people are beginning to see otherwise. As far as I'm concerned Guam is the best place to be based in Asia. . . ."

This year Guamanians became a numerical minority on their own island. If you count "stateside" Americans as foreigners, as the natives do, there are almost as many aliens on Guam as in Hawaii, where the population is eight times larger. The scheduled 20 per cent increase in military personnel and the continued influx of Asians means that in the next three or four years, more than two-thirds of the island will be populated by foreigners.

Even when Guamanians were in the majority, control of the island had long since passed from their hands. Joe Murphy, editor of Guam's *Pacific Daily News*, estimates that 70 to 80 per cent of the island's businesses (including the newspaper) are foreign-owned and that considerably more than half the island's land is either leased or owned outright by non-Guamanians. But the sudden realization that they no longer even form the majority of the population has provoked the most vociferous reaction on the part of Guamanians since the bloody Spanish conquest of the island.

In April the twenty-one member Democratic-controlled legislature voted 18 to 2 that aliens no longer be allowed to own land on the island. The two votes against the bill were cast by the two statesiders in the otherwise Guamanian body. The bill has since been vetoed by Republican Governor Carlos Camacho, after intensive lobbying on the part of the Chamber of Commerce.

The legislature has also created a Political Status Commission which inspired a series of hard-hitting newspaper columns on Guam's colonial status. Sen. Frank Lujan, chairman of the commission, says the people of Guam have been kept dependent by a series of "colonial myths" which have led Guamanians to believe that they have no choice but to remain in the American political orbit. The *Pacific Daily News* refused to run any more columns on the subject after the publisher reportedly deemed them "anti-American."

The most widespread response to recent events, however, has been a revitalized attempt to force the military to return unused land and to pay retroactive compensation for land unfairly and illegally expropriated since World War II. A report by the Guam legislature claims there is adequate evidence to prove that at least 100 families have had their land taken away from them under questionable circumstances. "We believe," say the authors of the report, "that threats, coercion, appeals to patriotism, and fear of military reprisal cumulatively led to the turning over of the land of the Guamanians to the federal government." Because Guam was under Navy rule when the bulk of the land transfers took place in the late 1940s and early 1950s, there were no civilian lawyers or real estate appraisers on the island, nor was there in existence any legal apparatus for appealing eminent domain proceedings.

In April 1974, Antonio B. Won Pat, Guam's nonvoting representative in the U.S. House of Representatives, finally received permission from Phillip Burton, chairman of the House Subcommittee on Territorial and Insular Affairs, to hold hearings on land titles. Because of the statute of limitations, few Guamanians can go to court for retroactive compensation or to get their land back. Accordingly, Won Pat introduced a bill in Congress to waive the statute of limitations for one year so that claimants could file in Federal District Court. Further hearings are scheduled on the bill, but it has taken three years to get the House to call hearings, and it is unlikely that any action will come during the current session. The Pentagon, worried about this potential Pandora's box, is lobbying against the bill.

The military has returned a few small parcels of land in the last year but, as one Guamanian pointed out when the Navy announced its latest offer, "What a joke! The Navy is leasing our own land back to us so we can construct a school for military dependents." At the same time that it is returning small parcels of land, the Navy is moving to buy Guam's last undeveloped shoreland for a $250 million ammunition wharf.

Alienation, especially among the youth of the island, has led to an increasing amount of politically motivated crime. Crime against Japanese tourists has become so widespread that it is front-page news in the Japanese press despite attempts by the Japanese hotel managers to keep it quiet. Only one honeymooner has been shot so far, but there have been random shootings at hotel windows, and purse-snatching is almost commonplace. Just after the shooting, the *Pacific Daily News* received a letter saying, "We will continue shooting Japs." According to Director of Public Safety José C. Quintanilla, "Syndicate-type, strong-arm tactics and extortion on a 'hoodlum-for-hire' basis" are also being reported in increasing numbers. To combat this rise in crime, Guam police are now being trained by Los Angeles and Honolulu police, and for the first time in Guam's history the FBI has agents on the island.

As a result of the crime wave, many people have come to think that Magellan's men were right when they called Guam the Island of Thieves. For their own reasons, Guamanians too are beginning to find the appellation



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appropriate. Says one member of the legislature, "Our island is inhabited by thieves all right—the land speculators, the investors, and the military planners who are stealing more and more of our land and our energies."

These "thieves" have made a shambles of the island. The phones do not work, traffic is bumper to bumper from morning to night, and the island's service industry and its bureaucracy will take years to adjust. The toll it has taken on the people of Guam is its worst effect. Nonetheless, a new wave of growth will soon be hitting the island. At least three more high-rise hotels are in the final planning stage and next year almost 4,000 additional Navy personnel and dependents will set up house on the island. Unless the world's economy takes a dramatic turn, as some economists predict, Guam is destined to become the center of the new American Pacific. □

POLITICS & AGRIBIZ

# THE OPERATIONS OF DR. BUTZ

**LAUREN SOTH**

*Des Moines*

Earl Butz, U.S. Secretary of Agriculture, is about to take off for Rome as head of the U.S. delegation to the World Food Conference. In his three years as Secretary, Butz has had to deal with the chronic American farm problem of surplus production and low farm income. In the same short three years, he has been confronted with food shortages, soaring prices and complaints of the consuming public. Violent changes in world market demands for food crops, exacerbated by worldwide inflation, short grain crops in several large producing countries and the paralyzing effect of scandals in the Nixon administration have made the conduct of agricultural policy like trying to pitch a tent in a hurricane.

Earl Butz is a doctor of philosophy in agricultural economics, a Purdue University professor and dean, a former Assistant Secretary of Agriculture in the Eisenhower administration. He has a farming background and wide experience in agricultural affairs over the last forty years. He has close associations with agribusiness companies.

On paper, he is the best qualified man to be Secretary of Agriculture ever appointed to the job—assuming that the Secretary should be the advocate of commercial farming in the government, as the Secretary of Labor is for union labor. Unfortunately for Butz, he has been called to serve in a time when the consumer and general public interests are weighing more and more heavily in agricultural decisions.

From looking at his *curriculum vitae*, you might also think he would be the most professional of Secretaries of Agriculture—concerned with facts and economic reasoning, undertaking careful research and analysis before making policy decisions. In practice, he has been the most politically partisan of Secretaries of Agriculture.

When Butz came into office in late 1971, the prices of principal farm products were low. The 1971 grain harvests had been abundant, despite the withholding from production of about 60 million acres of cropland. The 1972 election was coming up and signs of discontent in important agricultural areas were worrying President Nixon and Congressional Republicans.

*Earl Butz*

Secretary Butz charged onto the scene, proclaiming that his main job was to see that Richard Nixon was re-elected. There was a rumor at the time that Butz volunteered himself to Nixon, claiming that he could win the farm vote for re-election of the President in 1972, and thereby pushed out his mild-mannered friend and former academic associate, Clifford Hardin. The rumor may not be true, but the sense of the story certainly is, and Butz made no bones about it. He said he would "fight like a

*Lauren Soth, editor of the editorial page of the* Des Moines Register & Tribune, *is the author of* Farm Trouble *(Princeton University Press) and* An Embarrassment of Plenty *(Crowell).*



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# BOOKS & THE ARTS

## To the Intelligence of a Future Day

PROPHETS WITH HONOR: Great Dissents and Great Dissenters in the Supreme Court. *By Alan Barth. Alfred A. Knopf. 254 pp. $7.95.*

**STANLEY MOSK**

A dissenter is basically a nonconformist, one who views a universally accepted concept with skepticism. In 1491 the world was flat, with only Columbus, J., dissenting. Later, in England, a "dissenter" was one who left the Established Church. In America the term became associated with politics; dissent is endemic in a country founded in revolution by men committed to freedom of conscience and freedom of expression. Thomas Paine and Patrick Henry were card-carrying dissenters, as were those latter-day statesmen, Robert La Follette and George Norris.

But to most of us today, dissent connotes a High Court opinion critical of the prevailing majority and dedicated to posterity. Justice Cardozo once put it this way: "The voice of the majority may be that of force triumphant, content with the plaudits of the hour and recking little of the morrow. The dissenter speaks of the future, and his voice is pitched to a key that will carry through the years." It is, as Hughes said, "an appeal to the brooding spirit of the law, to the intelligence of a future day."

American judicial dissent originated with a Supreme Court Justice who is hardly a household name today—William Johnson; yet he deserves a lofty niche in history. He was a contemporary of Chief Justice John Marshall, who was determined that the High Court should speak in one voice. But President Jefferson persuaded Justice Johnson to violate Marshall's practice with this biting description of it: "An opinion is huddled up in conclave, perhaps by a majority of one, delivered as if unanimous, and with the silent acquiescence of lazy or timid associates, by a crafty chief judge, who sophisticates the law to his mind, by the turn of his own reasoning." In 1824 Johnson introduced his first significant separate opinion with a declaration that "in questions of great importance, and great delicacy, I feel my duty to the public best discharged by an effort to maintain my opinions in my own way." While Marshall had grave misgivings over what he described as a "revolutionary spirit" on his Court, ultimately he himself wrote six dissents out of a total of 465 opinions in his first three decades on the Court. Thus the pattern for multiple opinions was established.

Alan Barth, a court-watcher with the perspective of nearly three decades, has written a brilliant analysis of a number of historic dissenting opinions in the United States Supreme Court, and shown how each of them won vindication in subsequent decisions. His theme is comparable to that developed last year by Morris L. Ernst, who in his book *The Great Reversals* calculated that the Supreme Court in its nearly two centuries has reversed itself some 100 times. Barth is much more selective, limiting himself to what he deems to be the half-dozen most dramatic illustrations of judicial prescience. The authors were the first John Marshall Harlan, Brandeis, Stone, Douglas and Black.

When Chief Justice Warren wrote his memorable 1954 decision in *Brown* v. *Board of Education* outlawing compulsory segregation, he and his colleagues were overruling *Plessy* v. *Ferguson*, a case decided in the post-Reconstruction era holding that separate but equal facilities were valid.

Dissenting in *Plessy* was Justice John Marshall Harlan, who had the vision to foresee that separate-but-equal "will, in time, prove to be quite as pernicious as the decision made by this tribunal in the Dred Scott case." Though he himself had originally opposed abolition of slavery, Harlan had grown in office, and his opinion was clothed in the same type of sociological raiment that Chief Justice Warren was to use fifty-eight years later in *Brown*.

Yet it was more than that: it was a roar of outrage, appealing to emotion as well as to intellect. Harlan warned that "The destinies of the two races in this country are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law." He concluded with a remarkable credo: "In view of the Constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law. The humblest is the peer of the most powerful. The law regards man as man, and takes no account of his surroundings or of his color when his civil rights as guaranteed by the supreme law of the land are involved."

The second dissent discussed by Barth is that of Brandeis, who in *Olmstead* v. *United States* eloquently discoursed on the right of privacy, a right to be let alone, which he assessed as "the right most valued by civilized men." This was a preoccupation, almost an obsession, with him throughout his life. In his *Olmstead* dissent Brandeis protested against the government becoming a lawbreaker by its unwarranted telephonic surveillance of the defendant. "Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen," he wrote, in terms that are particularly apposite today. Not until 1967 did the Court finally hold that electronic wiretaps violated the privacy of an individual. Brandeis' moving and imaginative dissent, written thirty-nine years before the Supreme Court embraced its essential ideas, was indeed prophetic. The evils of surveillance which he foresaw have, with modern devices, become grim realities a full decade before 1984.

Today the right to counsel of a defendant charged with a serious crime is universally conceded. Yet in 1942, a majority of the Supreme Court held in *Betts* v. *Brady* that a defendant was compelled to navigate the turbulent waters of criminal courts without the benefit of advice or assistance if he was indigent and unable to hire private counsel. Justice Hugo Black wrote in a strong dissent that "A practice cannot be reconciled with common and fundamental ideas of fairness and right which subjects innocent men to increased dangers of conviction merely because of their poverty." Not until two decades later in the celebrated *Gideon* v. *Wainwright* case did the Supreme Court reverse itself and finally hold through Justice Brennan that "any person haled into court, who is too poor to hire a lawyer, cannot be assured a

*Stanley Mosk is a Justice of the Supreme Court of California.*



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fair trial unless counsel is provided for him. This seems to us to be an obvious truth."

The speediest reversal by the Supreme Court occurred in two successive flag-salute cases. Chief Justice Harlan Stone dissented in the *Gobitis* case involving Jehovah's Witnesses, but he was alone in maintaining that the defendants' religious persuasion was entitled to constitutional precedence over school authorities' insistence upon flag saluting. Within three years the Supreme Court conceded its error and in the identical flag-salute case of *Barnette* a new majority adhered to Justice Jackson's oft-quoted declaration that "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein."

The fifth dissent discussed is that of Justice Black in 1946 in *Colegrove* v. *Green*. At issue was the right of the judiciary to intervene where legislatures fail to provide equal representation of citizens in the reapportioning process. Justice Frankfurter, for the majority, insisted upon judicial restraint with a warning that "Courts ought not to enter this political thicket." Black, in his dissent, saw it altogether differently: he found there was an intolerable wrong in unequal representation, violating a fundamental premise of the Constitution and therefore remedial action by the Supreme Court was essential.

In 1962 a majority of the Warren Court in the controversial case of *Baker* v. *Carr* leaped with both feet into the reapportionment arena as Black had long desired. Justice Clark noted in rebuttal to Frankfurter that while it is well for the Supreme Court to practice self-restraint in constitutional adjudication, "never in its history have those principles received sanction where the national rights of so many have been so clearly infringed for so long a time." Thereafter followed a series of reapportionment decisions and the ultimate result has been a drastic alteration of long-existing representation patterns throughout the country.

The final dissent which Barth finds significant is that of Justice William O. Douglas in the 1951 *Dennis* case. While embracing Holmes's clear and present danger doctrine, Douglas made it clear that "free speech is the rule, not the exception. The restraint to be constitutional must be based on more than fear, on more than passionate opposition against the speech, on more than a revolted dislike for its contents. There must be some immediate injury to society that is likely if speech is allowed." Later in his career Douglas took a more absolute view of the First Amendment, omitting any qualification to total freedom of speech.

The *Dennis* case upheld validity of the Smith Act and introduced an open season for heresy hunting. In 1957, however, in *Yates*, the Court while not explicitly adopting the Douglas dissent and overruling *Dennis*, modified it so substantially as to virtually make the sedition sections of the Smith Act a dead letter.

The single characteristic common to the six classic dissenting opinions discussed so sympathetically by Barth is a disposition to construe the Constitution not so much in its precise terms as in an imaginative and prophetic sense of its spirit and its lofty purposes. As Holmes once pointed out, the provisions of the Constitution are not mathematical formulas; they are organic, living institutions. As such, they require cultivation, nourishment and opportunity for growth. This was well understood by the five bona fide heroes of this epic of the law.

Construing a Constitution devised nearly two centuries ago in the light of changing needs is a creative task. Varying conceptions of that task will inevitably produce conflict within the Supreme Court, but that is not necessarily bad. Conflict is, indeed, its generative force. The best assurance of wisdom in future Court decisions will come, as it has in the past, from the clashes within the Court among strong and literate men committed to their own perceptions of the Constitution and the law. □

# What Came of That Vision

THE TWISTED DREAM: Capitalist Development in the United States Since 1776. *By Douglas F. Dowd. Winthrop Publishers. 315 pp. $9.95. Paper $5.95.*

**ALAN WOLFE**

When an economy disintegrates, the ideas which have supported it are likely to fall apart as well. With the U.S. economy devastated by simultaneous inflation and unemployment, with the dollar falling more rapidly than a tragic hero, with the rise of competition from the Japanese, and with total world domination no longer a real possibility, all those apologists for the American system who praised its prosperity, affluence, and ability to solve every problem that could ever arise find themselves as unemployable as aircraft workers in Seattle. Some, to be sure, pretend they never meant it and imperceptibly alter their analyses so that they become moderate critics of the society, in the fashion of John Kenneth Galbraith. Others just forget what they said, knowing that in America anything which happened five years ago is likely to be forgotten if it is not mentioned. It certainly is fascinating that economics, which prided itself on being such a "hard science," could have been so blind about the directions that the American economy was about to take.

The bankruptcy of liberal economics requires a re-examination of the alternatives to it, particularly the conservative and radical approaches. Watching the liberals play intellectual musical chairs with their hypotheses leads one to a guarded respect for writers like Milton Friedman, who are at least honest, even if they are wrong. But Friedman was never able to control his sympathizers, since it was the capitalists themselves who murdered *laissez faire*, and as a result the only tradition with any potential viability is the radical tradition in economics.

There is such a tradition, even if it is rarely taught in economics departments. There was Marx, of course, but in this case one need not even go to Europe, for the United States gave the world Thorstein Veblen. After him came a series of iconoclastic writers, men like Robert Brady and Paul Baran, who taught and wrote their books in comparative isolation. (When I was in graduate school one of my most famous professors told me never, under any circumstances, to read Brady's *Business as a System of Power*, thereby guaranteeing that I would commit it to memory.) And in the past few years, the creation and success of the Union for a Radical Political Economics insures that the tradition will live. Conventional economists who pride themselves on hiring only the "best" young economists for their departments now find themselves with rooms full of Marxists wherever they turn. The stagnation of one approach is intimately connected with the vitality of the other.

In this context, one turns to Douglas Dowd's new book with anticipation. Dowd is one of those courageous people

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who maintained his fidelity to a radical tradition in economics during the bleakest years for dissenters that this country ever experienced. Along with the *Monthly Review* writers like Paul Sweezy, Leo Huberman, and Harry Magdoff, he kept that tradition alive when almost no one listened and has survived to see that tradition flourish. Dowd has also remembered Veblen, seeing him for what he was, a radical critic of a system in the making, when some, like Daniel Bell and David Riesman, were turning him into a technocrat and pure cynic, and others, the remaining radicals, saw only Marx. Finally, Dowd is, and always has been, a *political* economist, one not likely to lose himself in mathematical formulations, one who knows that economics is inevitably about politics. Clearly here is a man whose time has come.

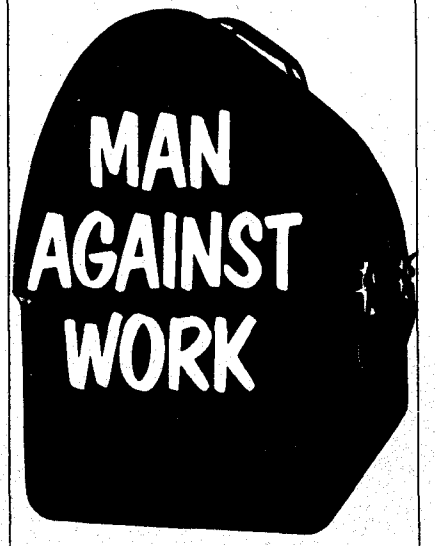
In spite of these good auguries, *The Twisted Dream* is a disappointment. The purpose of the book is to provide an introduction to the changes that have occurred in the economy of this country leading up to what Dowd describes as a full-scale social crisis existing at this moment. As he rightly observes, "the question why, when asked of social problems, is always historical," but, and this is also to his credit, Dowd does not just tell a story. Instead, the book is organized by themes, not by eras, and in each theme (agriculture, economic concentration, the role of the state), historical considerations are introduced. Basing himself on the tendency of capitalism to maximize both expansion and exploitation, he tries to show how every aspect of life in the United States has been affected by the rampaging desires of an economic system whose appetite can never be satisfied. As a review of a wide literature on the problems created by capitalism, the book succeeds. Nevertheless, as an attempt to advance our understanding of the state of the United States, it faces certain problems that it does not overcome.

In a venture of this sort, to do too much is to do too little, and this is the contradiction which emerges in each chapter. The problem would seem to be this: the fear of radicalism in American academic life led to the creation of a theoretical vacuum in which the Marxist tradition in economics was consigned to footnotes in the textbooks. When that vacuous consensus broke down, when it was discovered that Marx had laid the foundations of a genuinely useful theory, economists and political scientists found themselves with a promising new approach, but one in which great gaps existed. The race is now on to fill those gaps; the effect of the long drought and then the sudden downpour is that new understandings are being advanced so rapidly that there is little chance to absorb them all. This is not, in short, the best time to try the synthetic venture that Dowd attempts here, for the material he wants to bring together has not yet solidified into a consistent approach. As a result, he has to fudge over some important theoretical issues, a tendency which some examples may illustrate.

First, Dowd poses some theoretical difficulties which he then proceeds to ignore. Consider this sequence of sentences: "The decline and fall of the Roman empire has been cited innumerable times by critics of Western society, as though what happened there and then can happen here and now. It cannot, because the societies have more differences than similarities. Some of the similarities are nonetheless telling." The theoretical issue is whether or not one can make historical generalizations. There is much to be said on either side of the argument. But what cannot be done is what Dowd does, which is first to say that no generalizations can be made and then to blithely go about making them. It would not be much of a fault if this case were an isolated one, but it is not. Is American capitalism more American or more capitalist? That question, which raises the issue of whether Marxism is an iron law or allows for variations, is avoided in a similar manner, though here Dowd does address the issue in more detail. Will the United States become a Fascist state? No, says Dowd, it will not, but on the other hand it might. One gets the feeling that in a survey of this sort, it would be better not even to raise questions like these if one cannot interrupt the narrative in order to explore them in detail.

A second series of theoretical problems is more conceptual. At one point we are told that "inflation is a political rather than an economic problem," a brilliant insight which requires further exploration. What is economics, what is politics, and what relationship between them must a radical see? Here Dowd relies on the conventional distinction made in American universities. Economics is about money and scarcity, politics about power and public policy. At this point, such a distinction is no longer tenable. Marx outlined a theory in which his "economics," based on the labor theory of value, and his "politics," based on a theory of the state which was sketched but (contrary to what Dowd says) never completed, continuously interacted to the benefit of each. Marx refused to allow others to define for him what those crucial terms meant, and radical theorists of the present genera-


IT'S A LIVING
—or is it?

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## ON STEEL WINGS

*on steel wings*
*the ancient bird*
*hovers*
*on steel wings*
*in the mansion sky*
*before the black dawn*
*the wailing sun*
*plunging*
*north of snow*
*and the glass horizon*
*where the red wolf bellows*
*to the falling herd*
*of rain and the dust*
*of weeping hills*
*descending*
*—midnight of upturned*
*palms—*
*on steel wings*
*the dark hawk hovers*
*over the bed of snow*
*and the inscribed stone*
*of forgotten manhood*
*far away far far*
*into the ice desert*
*and the gray lamp*
*of the unseen planet*
*on your breast*
*the silk tattoo*
*the iron fork*
*in your hand*
*wait for me*
*do not wander yet*
*into the timeless desert*
*north of time*
*north of snow*
*on steel wings*
*the angel hovers*
*over heather*
*and the crimson sea*
*touch, touch the ebony light*
*of the distant cottage*
*swollen in the waves of snow*
*touch my hand*
*in the black noon*
*in the forest of burning stone*
*and the tide falling*
*on the black rock*
*wait, wait for me*
*bird of descent*
*angel of snow*
*for my step to reach*
*the barren land*
*and the cry of the distant*
*god*

Hobart Myers

tion must do the same. Dowd must be aware of that, for he says that a labor movement must be "political, in the deepest sense of that term"—but he does not indicate what that sense is.

Followers of a thinker who continually explored the debilitating effects of the division of labor, American Marxists have ironically created such a division among themselves. One group, most of whose members are economists, prefer the Marx of *Capital*, the man who dissected an economic system. The other group, philosophers and political theorists, see another Marx, the Hegelian, who used a philosophical language and addressed himself to problems far removed from what they contemptuously call "positivistic economics." The point is that Marx himself was in neither of these schools, but a thinker who was both a theoretician and an economic analyst at the same time. Any writer who leans too heavily toward one approach or the other loses something valuable, and Dowd's book is, in the final analysis, too much by an "economist" and not enough by a "theorist." What might at first seem abstract and irrelevant questions (What is politics? What makes a generalization true?) are necessary parts of his enterprise, and should have figured in his book.

There is one useful social activity which does not require great theoretical advances, and that is the debunking of existing preconceptions—another skill in which Marx excelled. Dowd is at his best in just that department. His critiques of the notion of the United States as a benevolent world power, of the idea that economic opportunity exists for all, of the assumption that we are in the presence of a neutral state which is the condition for a pluralist paradise, are all good ones, even though they are now familiar. And he writes in an informal style which is as rare among economists as it is among most groups who have a vested interest in confusing people. When it comes to summarizing the mess that U.S. capitalism is, one is not likely to find a better written, more thorough summary than his. When it is a question of why that condition exists, Dowd, despite his interest in history, does not take us as far as we would like to go. The problem is that the first task is no longer vital (liberals are now our best critics of liberalism, and capitalists of capitalism)—and for that very reason, the second is essential. Radical thinkers in whatever discipline had better move fast, for if they do not, the rapid crumbling of United States capitalism will leave them standing in the same place. □

# God Is an Englishman

BEYOND. *By I.A. Richards. Harcourt Brace Jovanovich. 201 pp. $8.50.*

**MARTIN LEBOWITZ**

This book might well have been partly inspired by William Empson's view that Milton's conception of God in *Paradise Lost* is in fact the Devil, since God in his omnipotence is ultimately responsible for evil. Thus the Book of Job is discussed at length and in detail by Richards, with particular emphasis on its dual aspect, the contrast familiar to scholars between the poem and the tale. In the poem Job is a convinced and determined rebel who receives no vindication and is not delivered from his distress; in the tale he bears his trials with unbroken patience and receives the due reward of his goodness. Richards departs, however, from the accepted opinion that, in the poem, Job is "reconciled to his fate." Hence the theme of his book: the inscrutability of Divine justice in respect to injured and suffering goodness. This concern leads Richards to raise a number of perplexing questions: for example, what is justice and why should man think he is entitled to it?

Richards is especially impressed by the "taunting, scathing, sarcastic tone" of God's dialogue with Job, His inability to conceive or care about the situation of His creature. Richards suggests, too, that Job's choice of silence after having seen the "unutterable" and God's "inability to be relevant" jointly meet the poetic, moral and theological problem better than any "solution." The solution is indeed poetic in the sense that poetry for Richards is the source of human judgment; that, in any event, is the apparent implication of his repeated use of the word "reflexive" in connection with the basic issues he discusses.

The resulting philosophical questions are very well answered by a famous passage from William James, quoted in the Prologue of this volume:

*Martin Lebowitz has contributed to* The Journal of Philosophy, The Kenyon Review *and other publications, and to two anthologies:* The Critics' Notebook *(University of Minnesota) and* The Kenyon Critics *(World).*



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# "You're in trouble if you talk

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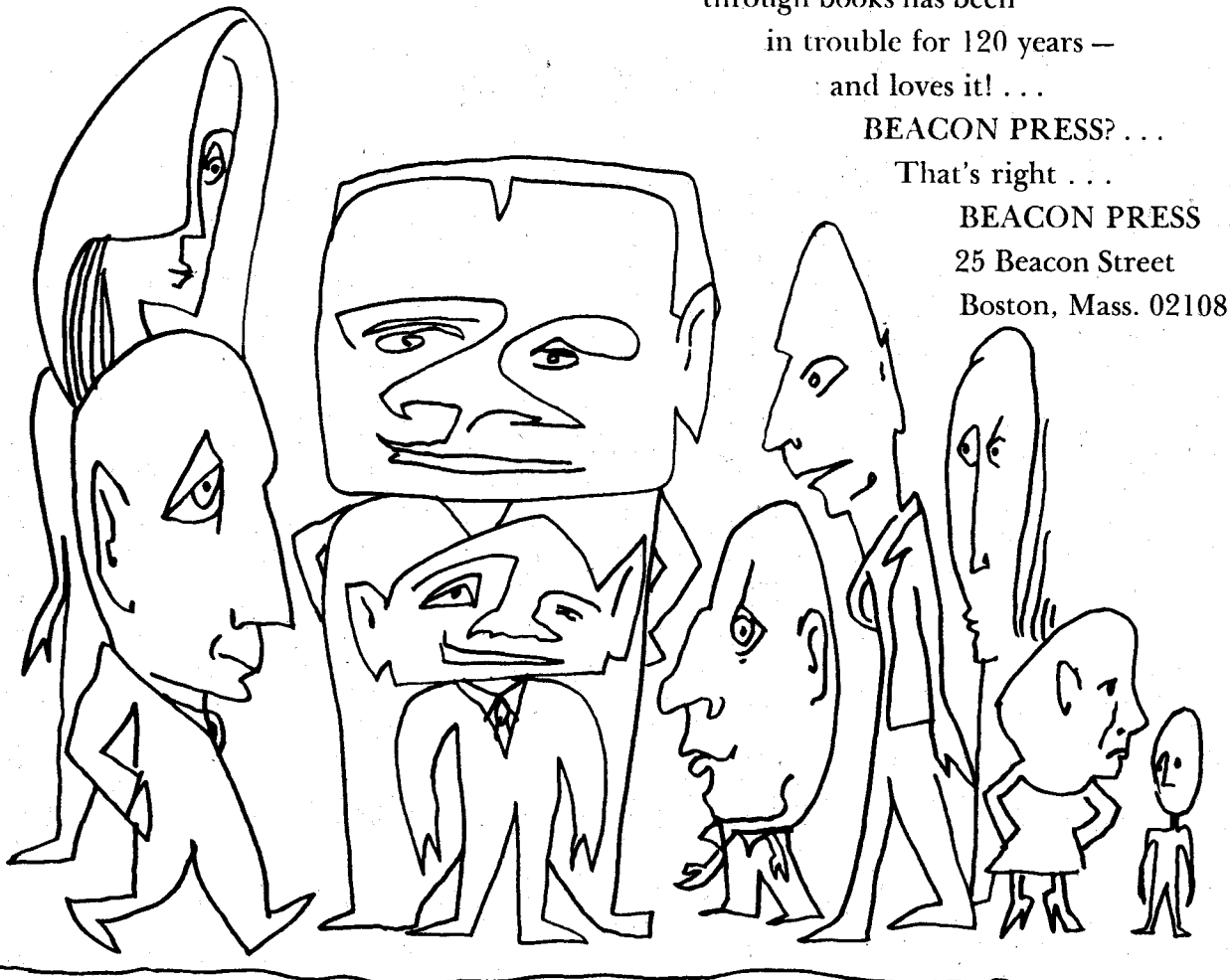

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God himself . . . may draw vital strength and increase of very being from our fidelity . . . I do not know what the sweat and blood and tragedy of this life mean, if they mean anything short of this. If this life be not a real fight, in which something is eternally gained for the universe by success, it is no better than a game of private theatricals from which one may withdraw at will. But it *feels* like a real fight—as if there were something really wild in the universe which we, with all our idealities and faithfulnesses, are needed to redeem. . . . For such a half-wild half-saved universe our nature is adapted.

Richards is properly aware that James's approach to this question tends to be unclear precisely on pragmatic grounds: it is incapable of justifying moral choice or decision with any certainty. In consequence the author gleefully cites—as proof that logic itself is indefinable—the occasion on which Bertrand Russell enjoyed pointing out to Tarski, Carnap, Van Quine, Godel and a few others, that "they deserve to be sacked for not knowing what they are doing." Indeed, one purpose of the book is to explore the reference to other fields of Godel's Theorem, which limits the scope of logical proof, in order to decide how much the recognition by logic of its shrunken power enlarges that of man. Another preoccupation is the possible religious use of Bohr's Principle of Complementarity, a concept which, according to Richards, "has helped—beyond any previous dreams—to free physicists' inquiries." (The ancestry of Bohr's Principle is doubtless Kantian, the view that scientific ideas tend to become self-contradictory.)

It would appear that Richards' somewhat psychoanalytic sense of the word "reflexive" is crucial to his argument, the idea that our theological and other constructions and interpretations are in the end expressive of ourselves. Nevertheless, Richards is an avowed rationalist who affirms that retributive or punitive justice—a psychopathic concept—must yield in some unspecified respect to reason. It is of course debatable whether reason as such is compatible with the "reflexive" view of judgment and conduct that the author very cogently expounds. In the end this becomes a matter of metaphysical faith of the sort Richards eschews when he writes as a rationalist. He quotes William Blake:

> We call Jesus the Christ; and he in us and we in him
> Live in perfect harmony in Eden, the land of life,
> Giving, receiving, and forgiving each other's trespasses.

Richards, the veteran and pioneer "semanticist" who wrote *The Meaning of Meaning* with C.K. Ogden in 1927, remarks that conventional rules of definition are in the final analysis arbitrary and imprecise. He quotes two lines from Dante in a highly suggestive symbolic vein: "Were not the Scripture over you/ There were marvellous ground for questioning." In addition, the book is prefaced by a remark from Mencius concerning the inescapable fluidity of life and experience. Richards' conclusion—at once mystical and agnostic—is derived from Shelley's *Defence of Poetry* (we are reminded that Shelley was a self-proclaimed atheist).

> Our most imperial and stupendous faculties—those on which the majesty and power of humanity is erected—are the passive slaves of some higher and more omnipotent Power. . . . All high poetry is infinite; it is as the first acorn, which contained all oaks potentially. Veil after veil may be undrawn, and the inmost naked beauty of the meaning never exposed.

Here we are in the realm of Freud and Jung—of Freud's famous acknowledgment of his debt (the idea of subliminal motivation) to the romantic poets, and Jung's religious view of the unconscious: it is precisely the elusiveness of rational or objective meaning that creates the necessity of faith and optimism, and may justify them. Richards' title, *Beyond*, obviously refers to this point of view. The title underscores, too, the significance of the Jamesian doctrine of moral striving.

The chapters on Plato and Dante illustrate the need for a metaphysical commitment if the concept of justice is to be meaningful—metaphysical in the sense of postulating the possible harmony of our various faculties with one another and with some ultimate reality.


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Plato's *Republic*—"the founding book of the Occidental mind"—illustrates, like Job, that one "must set aside all questions of rewards and punishments and show . . . what justice and injustice are in *themselves*. . . . [Job's] quest and Plato's quest are radically the same (however different their conclusions)." *The Divine Comedy* is seen as the most challenging of all great works because its opinions are so obviously unacceptable; its central theme of requital is regarded by Richards as pathological.

In addition, he suggests in a long poem of his own composition that the tradition of Satan's revolt as the original wrongdoing has produced "a rough, hot-tempered, malicious use of punishment" instead of reason and instruction. He especially deplores the baleful Biblical example of a Ruler—of authority—that is manifestly arbitrary, irresponsible, incompetent, and unjust. Richards' favorite modern poem, apparently, is Shelley's *Prometheus Unbound*, in which Jupiter—omnipotent, tyrannical, corrupt—is overthrown.

In one sense the conflict between Richards' rationalism and mysticism corresponds to the comparable bifurcation of the Book of Job. In any case, the influence of his brilliant and learned book will surely be salutary. His charitable view of human conduct and misconduct tends to confirm the oft-heard assertion that God is an Englishman. □

# Could There Have Been Peace?

THERE COULD HAVE BEEN PEACE: The Untold Story Of Why We Failed With Palestine And Again With Israel. *By Jon Kimche. The Dial Press. 359 pp. $8.95.*

**DON PERETZ**

Written by an author other than Jon Kimche, this book might be labeled pro-Arab, anti-Israel, anti-Zionist, or among some, even anti-Jewish. But Kimche, former editor of the British official Zionist weekly, *Jewish Observer and Middle East Review*, can hardly be tarred with that brush. Although discharged from his editorship for an independent stance on highly controversial internal Zionist politics, he retains his attachment to Jewish nationalism and to the network of intimate associations in Israel which frequently made *JOMER* one of the most interesting and informative Jewish magazines. Lest any anti-Zionists hope for solace from Kimche's writing, it should be emphasized, his heroes are not the political Left or small outspoken opposition parties in Israel but its military leaders. In the vanguard is the former general, Moshe Dayan, whom Kimche lauds as the country's most realistic political leader.

The chief thrust in this account of the Arab-Israeli conflict is that, since the beginnings of the Zionist enterprise its civilian leadership, with the sole exceptions of Ben-Gurion and his successor Dayan, from Weizmann to Meir, has been short-sighted, politically naive, incompetent, and lacking comprehension of political realities in the Middle East.

In the "grand design" Kimche has presented of Arab-Jewish relations from World War I to the present, Zionist leaders never really understood the imperial game. Had they been astute players they would have known how to take advantage of first British, then American interests in the area. Israel and the Yishuv (Jewish community) which preceded it were needed by the Western powers to maintain their respective positions in the Middle East to counterbalance Arab nationalism, and later to contain Soviet expansionism.

Nor did the civilians understand the Arabs. Instead, they let themselves be outmaneuvered by Arab nationalism, while at the same time antagonizing its leaders. Kimche writes: "Neither Weizmann nor his successors seemed to be able to comprehend that there could be Arab unease, suspicion and fear of the Zionist incursion and that it might require more than some reassuring words and Weizmann's charm to persuade them that they had nothing to fear from the Zionists. Instead of probing deeper into the Arab opposition and resentment, he handed them over to the British."

But Dayan and the military establishment, Kimche asserts, understood such power factors as Soviet expansionism, the need for U.S. predominance in the region, the role that Israel could play as America's military ally, and last but not least, the importance of Palestinian Arab nationalism. If only the muddled civilian leaders had listened to Dayan after Israel's brilliant victory in 1967, a solution could have been found. At the time, West Bank Arab leaders were prepared to come to terms with Israel, but the inept civil bureaucracy let victory go to their heads. Instead of capitalizing on Palestinian willingness to seek accommodation, the victorious government took the position that, "if the Arabs don't want peace then to hell with them; we'll hold on to what we have."

The military, on the other hand, reflecting Dayan's view, argued that for the first time Israel had an effective bargaining counter, something to offer the Arabs in return for peace and security. When the Arabs refused to play the game, the Israelis, says Kimche, were content to accept the Khartoum formula of "no peace, no recognition and no negotiation." Every proposal for withdrawal, whether made by Egyptians, Americans or "naive" Israelis including Dayan, was viewed by Mrs. Meir and her civilian cabinet friends "with deep suspicion as something that had to be scotched before it would develop into

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a threat to Israel's security or to the unity of Mrs. Meir's cabinet coalition."

Kimche's perception of Dayan as one of Israel's leading doves hardly matches either the image of other doves or Dayan's numerous public statements about Israeli "rights" in the West Bank. True, the ex-General and Defense Minister offered some creative proposals for partial withdrawal from the Suez Canal in 1970, which, had they been pursued, might have obviated the Yom Kippur war. But his published views on the Palestinians and the West Bank are hardly acceptable to doves like Arie Eliav or to Palestinian Arabs. Even *JOMER* frequently printed Dayan's remarks indicating that he was not particularly eager to use the West Bank as a bargaining card. The kind of autonomy Dayan envisaged, according to most of his own published declarations, would have made the West Bank a vassal state, with a flourishing economy, open to contacts with the rest of the Arab world, but subject to Israel's security requirements.

Herein lies the weakness of Kimche's startling "revelations," which according to the Israeli Ambassador to Great Britain, Michael Comay, are "more damaging than the Pentagon Papers" (from the book jacket). Unlike the example of the Pentagon Papers we must rely here almost entirely on Kimche's own memoranda and notes of personal conversations with high-ranking officials. We have no way of corroborating his assertions. As for the more recent period, "the cloak of anonymity must still be used where officials or politicians remain in positions which make it impossible or undesirable to name them." Sufficient documentation is available to establish reluctance of most nonmilitary politicians to give up the West Bank, but further evidence is needed to prove that the army leaders were really doves.

In many ways this book reminds me of Miles Copeland's *The Game of Nations,* another exposé of Middle East diplomatic intrigue by an author with high qualifications and extensive experience. He also expected the reader to take his word for a remarkable succession of revelations that have been no small embarrassment to American and Middle East policy makers.

According to Kimche, American and Israeli officials have been playing the game of nations at two levels. Washington, he writes, has been flashing two sets of signals, one for public display, the other more subtle, signifying America's true intentions. While President Johnson and the State Department were making statements about American even-handedness before and after the 1967 war, the Pentagon and CIA were working up plans with Israel to contain Soviet influence. When Mrs. Meir was publicly protesting U.S. arms deliveries to Jordan, the Israeli Government secretly approved.

Although Israel was considered a diplomatic, political and economic liability to the United States before the 1967 war, thereafter it became a desirable military associate, Kimche states. Richard Helms, director of the CIA, was a frequent visitor to Israel, and achieved there an unusual degree of collaboration. Through the CIA and the Pentagon the United States "had reached an understanding with Israel defense forces which cleared the way for the 5 June initiative, but the whole operation nearly came unstuck because of Eshkol's indecision and of Eban's entirely mistaken assessment of the American position." The Israeli Army saved the day by insisting that Dayan be given the Ministry of Defense. He reached this post, says Kimche, not because of what nearly all other observers believe to have been the pressure of public opinion but because the government feared an army coup. The Israeli defense forces had clear-cut objectives; what they were, Kimche does not tell us.

After the war Dayan was unable to act because he was constrained, even muzzled by the civilian cabinet. If the army's vision was so clear, and it had been willing to stage a coup before June 4, what held it back after its greatest victory ever? Again, no answer from Kimche.

His critique of internal social and economic trends is often as severe as Yitzhak Ben Aharon's, the fiery ex-Histadrut leader who poured out his wrath on the country's establishment. Follow-

## AFTER THE HOMECOMING

*kept going*
*by his dream of her*
*pining*
*or fed up, even, forgivably*
*unfaithful,*
*at any rate, a woman*
*toward whom he must strive*
*continually, against diminishing odds*

*seeing himself*
*as the hero, passing through, slaying*
*his quota of monsters, surviving*
*a goddess' arms, a trek*
*through the land of the dead*

*arriving, therefore*
*totally unprepared*
*for her strength*
*the impenetrable dream she had woven*
*of him as the tide-broken wanderer*
*herself the haven*

*what remained of the past*
*between them, that first night*
*rousing stiffly*
*to wag its tail once and die*

*after the homecoming horns had faded away*
*left facing each other*
*ceremoniously at the long table*
*like guests who have outstayed their stories*

*like ships drifting crippled*
*unable to meet*
*unable to release each other*

*he mooning down by the shore again*
*she slowly mounting*
*the smoothed stone steps to her window*
*the wreck of her loom*

Douglas Worth



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ing the 1967 war the country prospered and the wealthy became wealthier. American, Canadian, German, French and British firms recognized opportunities for profitable investment. Assisted and encouraged by some of America's and Europe's leading banking houses, they launched extensive Israeli operations for "strictly business reasons." An Israeli elite, the "Captains of Industry" who owned the most prosperous concerns, emerged as a new power structure parallel to the old establishment rooted in the Jewish Agency, Histadrut, kibbutz organizations and political parties. Pioneering "moved from the land to industry, defense and finance." The new elite was "almost totally cut off from the mass of Israelis by a difference in outlook and wealth, by altogether different social aspirations and interests, and by an altogether different assessment of Israel's role in the life of the Jew." All of these factors contributed to a new grand design "conditioned by the economic imperative of [Mrs. Meir's] 'Greater Israel.' "

According to Kimche, when the Nixon administration came in, Dayan in Israel and the Labor Party's new Premier, Gen. Yitzhak Rabin, then Israeli Ambassador in Washington, understood their role in the new American grand design. They are portrayed as the doves, who understood the need for flexibility in negotiations, the dangers of breaking off the Jarring discussions, and the rising Soviet threat.

These seem like quite simplistic perceptions in view of what we know about differences among civilian leadership of the Labor Party and within the government. Mapam ministers of the Labor Alignment never were as hard-line as Kimche portrays Mrs. Meir. Indeed, their public statements and pronouncements were closer to views of the military as described by Kimche than were the published views of Dayan. Nonmembers of Mapam, such as Eliav and Ben Aharon who also held powerful positions and commanded substantial influence, were avowed doves. Pinhas Sapir, the *éminence grise* working behind the scenes in Mapai Party politics, was certainly not reluctant to trade the occupied territories for peace.

Since the Yom Kippur war, not only has Dayan lost the aura of perspicacity with which Kimche endows him but the army too has been beset by squabbles and divisiveness which for the first time raise questions about its flexibility and organization.

With the success of Kissinger's negotiations for disengagement of Israeli, Egyptian and Syrian forces, and after Nixon's triumphant visit to the area, perhaps Kimche was too pessimistic in concluding that: "They [Jewish and Arab nationalisms] were thus destined to live with this failure to co-exist and do so under the protective umbrella of the two superpowers for many years to come. They forfeited the opportunities and challenges of real independence until a new generation with different concepts of national aspirations, co-existence and peace will learn to speak with frankness and honesty to each other." Only a few "are prepared to pioneer the New Deal between Arab and Jew in Israel, between Palestinians *and* Israel, not Palestinians *or* Israel." Is Israel's first sabra Prime Minister, Yitzhak Rabin, among these pioneers? □

# FILMS & STAGE Harold Clurman

To be modern in films is to engage in a technique of discontinuity. The shots must not be set in a logical narrative sequence. At times this becomes tricky and pretentious. In some of the better pictures the visual discontinuity—often there is barely any narration—contributes to the film's only meaning: we live in a fragmented world.

Two of the pictures I've seen from West Germany at the 12th New York Film Festival (Lincoln Center), *Fear Consumes the Soul* (or *Ali*) and *Alice in the Cities*, follow traditional patterns of storytelling. I liked them both.

Ali is a young Arab who works in a garage. Though he is handsome, Ali has no friends, apart from a few compatriot pals who gather of an evening at a sad café, and the only "Aryan" woman who will have anything to do with him is the unhealthy looking barmaid. So Ali, on a challenge to dance to the music of the joint's jukebox with a rather homely 60-year-old cleaning woman, Emmi by name, makes her acquaintance. She has come into the place to get out of the rain. She is a widow and lonely, so that Ali's accidental gallantry moves her to invite him to her flat. He in turn is so touched by Emmi's maternal warmth that he accepts her invitation to stay on and live with her. This shocks the other tenants —lower-middle-class women for whom she works part time—and they insist the landlord ask her to vacate her apartment. The man is an *Ausländer* (a foreigner) and black to boot! This rouses Emmi to the point of declaring that Ali is her husband. And Ali makes her word good by marrying her. The landlord raises no further objection to Ali's presence in the house. This not only causes the neighbors to shun her but infuriates her daughter, son and son-in-law.

After a while, because the relatives and neighbors need both her and Ali's household services, they come to accept the situation. Rifts then occur between Ali and Emmi due to differences in native custom, even in the matter of diet. Ali rejoins the men at the café and takes up again with the woman at the bar. Ali's conscience troubles him so that he gambles and drinks. But Emmi, understanding his quandary, forgives him. Suddenly he breaks down in an agonized howl. For a moment we take his cry to indicate an extreme sign of contrition, but we soon learn that the strain of his work and other of his deprivations have induced a perforated ulcer. He will recover, says the hospital physician, but in six months his ailment will recur. Ali's case, the doctor affirms, is typical among foreign laborers.

All this is told with utmost directness and honesty. One is gratified to see a picture in which a contemporary social situation of broader human connotations is pictured without "aesthetic" frills.

The same is true of *Alice in the Cities*, a film with even less "plot" than *Ali*. It tells of a 31-year-old German writer on assignment in the United States to turn out a piece setting forth his impressions of the country. He photographs everything but is unable to write about it. His lack of connection with the environment and his conviction that, except for New York, there is little but mechanical monotony and emptiness provokes in him nothing but fatigue and irritation. A chance encounter at an airline office with a woman compatriot who speaks no English and plans to return to Germany on the same plane as his leads to his having to take care of the woman's 9-year-old daughter on the trip while her mother stays on for a day or two in New York.

Most of the film centers on the odyssey of the "scribbler," as the little girl calls him, through Germany to find her grandmother, after the child's mother fails to show up in Amsterdam as previously arranged. There are some low-keyed implications in the picture which purport to contrast America and Europe today. What is much more persuasive is the gradual evolution in the relationship be-



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tween little Alice and the foot-loose writer, whose funds are running out. One cannot quite define the nature of their connection except as that of a reluctant "father" with an equally detached "daughter." Through the film's very lack of emotional stress, a convincing revelation of genuine friendship, unaware of itself, is created.

Without thesis or educational purpose the picture is played with utter relaxation and truthfulness by the two principal actors. The child, in fact, is a dream of unadorned charm and intelligence without the least alloy of baby sweetness. It is a high compliment to say of *Alice in the Cities* that it is really nice.

Ermanno Olmi, the director of two superior but more or less neglected films, *The Job* and *The Fiancés,* is represented at the Festival by his latest one, *La Circostanza,* translated on the program as *The Circumstance*, which might more properly be called "Circumstances" or still better, "The General Condition." Throughout his career Olmi's theme has been the oppressive effect of industrial civilization on the Italian spirit. His unromantic films are truly sad, and without plea or tears become poignant through a tight-lipped tenderness.

The technique of discontinuity just referred to above makes *La Circostanza* a summation of Olmi's sense of life. The scene is set in Milan and its environs. There is a Mother who is an impassively handsome lawyer of wealthy background. She is correct and off-handedly rigorous with her children, for she has little time to offer them. Efficient and very busy in her office, she does not see much of her husband either. He is an executive in a vast firm whose business is shrinking. The man at the top, only occasionally glimpsed, is carrying on certain experiments to ascertain the most streamlined method of conducting his affairs. This makes his executives suspect that his "experimentation" is a ploy calculated to ease some of them out of their jobs after many years with the firm.

Father and Mother have an adolescent daughter who is having her first bewildered and rather dispassionate experience with sex, something hardly noticed by her preoccupied parents. The Elder Son is in charge of a cattle-raising farm (now run at a loss) which his mother owns through inheritance. Being comparatively free from the pressures of commerce, the Elder Son is the most normal and vigorous person in the family. The Younger Son works with his brother on the farm, observes the care of the cattle and their subsequent slaughter or sale. (There are unforgettable shots of the cattle in their stalls, their being herded into vans when they are to be sold, and their electrocution and butchery when they are being prepared for the meat market.) The boy uses his leisure moments making useless gadgets which resemble ultramodern appliances. There is something thoughtful about him which suggests that he may someday in some way become a positive force.

The Mother's most spontaneous solicitude goes to a stranger, a young man she sees badly burned in an auto accident. In the absence of this boy's parents, she pays all his hospital expenses, visits at his bedside and offers him whatever consolation she can. On the other hand, she is coldly curt to her sons' friends because they are drifters and poor.

All of this is communicated through a series of intermingled cuts, so that for a while I was puzzled as to the identity of the various characters and wondered whether what I saw was leading anywhere. But a large segment of modern metropolitan society has been incisively limned. We recognize the frustration of love, fear among the well-to-do, a widespread emanation of futility, scorn or neglect of the economically ill-favored and the Establishment's unreclaimed, a general disconnection between well-meaning parents and their offspring, the possibility of deep fellow feeling growing slack or threadbare. Humankind as a whole resembles the cattle we see confined, fed, fattened, sold or slaughtered. Hardly anyone is aware that all this is happening in the tumultuous non-happening. There is a moral vacuum in which people turn into phantoms.

There is no complaint or preachment in the film, only inferences from objectively stated facts. But a doctor called in to attend the Elder Son's wife after her child has been delivered remarks, "People have lost faith in life." That is the conclusion of Olmi's morose stoicism. What makes him a sound artist, apart from his firm craft, is that he *feels* his statement, he does not stand aloof from the suffering (all the more acute for being largely unconscious and unexpressed) that he finds. Industrialism today drains our lives away; it is a bloodletting so insidiously gradual we hardly notice its occurrence.

I wish *La Circostanza* had been shot in black and white; the picture's tone might have then been optically closer to its inherent mood. It is perfectly cast.

*Mack & Mabel,* a musical with a "book" by Michael Stewart, music and lyrics by Jerry Herman (Majestic Theatre) is a very good show. Its daily press reception has been far from rapturous. It has a weak book (how many musicals have *strong* ones?). Its music and lyrics are so-so. Why, then, do I call it very good? There are three reasons: the acting of Bernadette Peters, the staging and choreography of Gower Champion and the scenic design of Robin Wagner. Robert Preston, too, is a solid asset.

The show is about Mack Sennett's undeclared love for his star Mabel Normand. Sennett was too self-absorbed, according to the story, too concentrated in his silent two-reelers with their Bathing Beauties, their Keystone Cops and mud pies to lend himself to anything more personal. So darling Mabel was first picked up, then celebrated, after which she was besmirched, neglected and finally forgotten.

We see a series of clips from original Sennett movies: it is not only hilarious but, in the wild sweep of its slapstick, peculiarly modern. Gower Champion has concocted two stage routines in the Sennett manner which are brilliantly done. There is also a Champion version of a scene from a dramatic flick, with Mabel (Bernadette Peters) performing in her rascally lover's attempt to make a serious *artiste* of her. This too is very funny.

The unit set is architecturally simple and somehow intimate, and the director has used it ingeniously as well as packing it with engaging movement. Just looking at the stage, even if there were no words or song, would be a pleasure.

Best of all is the light that radiates from Bernadette Peters. Because she has something of the girl from the slum streets with a slightly nasal speech, it is often overlooked that she is much more than simply cute. She really can act. She has dignity and feeling. There is something inextinguishably staunch in her innocent vulnerability. There is nothing mawkish in her moments of pathos and she is adorable in her comedy when directors allow her to abstain from forcing it. I have long thought Miss Peters capable of a scope beyond what most producers, directors and reviewers suspect. She alone makes *Mack & Mabel* worth seeing. □

## HOW THE DREAMER

*To be the victim*
*is one kind of role.*
*To cut down Goliath*
*with an improbable stroke*
*is another.*
*How the dreamer emerges*
*to become warrior—*
*How the warrior,*
*hand stayed on dreaming sword,*
*is caught up into sunset,*
*flings about him*
*the cape of night.*
*Dawn rises endlessly.*

Etta Blum



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# Crossword Puzzle No. 1557

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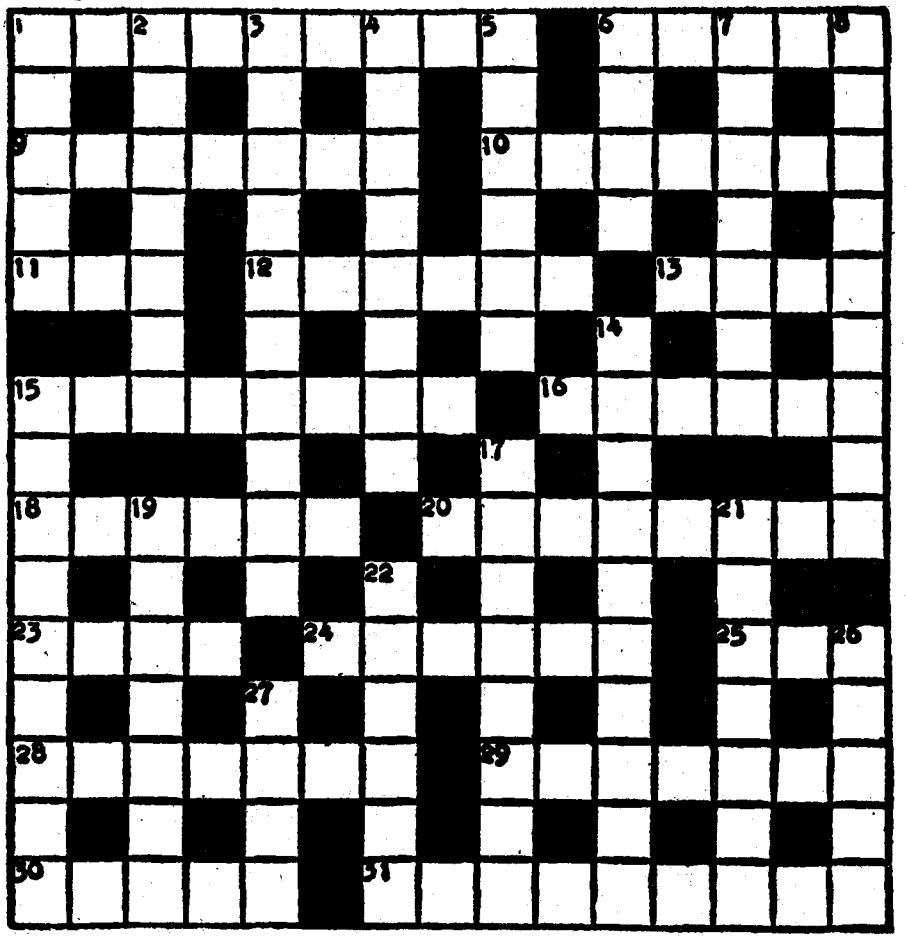

ACROSS

1 Go over the formal courtesies, supplying old missile launchers. (9)
6 The shin has it back on three-quarters of the bias. (5)
9 The little girl returned and took in what the wolf did. (7)
10 One who doesn't immediately pay for service, in part? (7)
11, 7 down and 30 In this, should they sing with their hands out? (3,7,5)
12 and 24 Are they just thrown together as a matter of course? (6,6)
13 Devotee sporting gold (but not old) tooth. (4)
15 and 14 down One might consider it in rental, like some engines. (8,10)
16 There's money around the country, but it's only relative. (6)
18 Large can inside 13 might be good for it. (6)
20 To pay things out rubs the wrong way—sort of side-splitting. (8)
23 and 5 down Not the sort that's very well kept. (4,6)
24 See 12 across
25 Sphere or ball—everything missing. (3)
28 Post 3-19? (7)
29 Following detail, in general, shows it. (7)
30 See 11 across
31 Like Samson, starts straight on one from the FBI. (9)

DOWN

1 and 17 down Tempt Providence, with the Lakers 99 and the Nets 50? (5,8)
2 Turned up in a sort of slow movement? That's rich! (7)
3 Straighten out of it—as the blow might be. (10)
4 Nothing poetic like this, in Europe, perhaps! (8)
5 See 23 across
6 It's not all up for the golfer when he's in one! (4)
7 See 11 across
8 A rather offensive exhibition made by the orange car. (9)
14 See 15 across
15 With the mob, oil-rig construction implies some disagreement. (9)
17 See 1 down
19 It might hold up a sort of 28. (7)
21 A well-known factor with hatred? It's elemental! (7)
22 Like a 50-mule team—all female? (6)
26 Being upset, one might start so easily. (5)
27 It's a bad deal for Helen's mother. (4)

SOLUTION TO PUZZLE NO. 1556

ACROSS: 1 and 5 Distress signal; 10 and 11 Rough-and-tumble; 12 Niggard; 13 Tenable; 14 Season; 15 Risible; 18 Onstage; 21 Tremor; 24 Nuptial; 26 Aerosol; 27 Make haste; 28 Elemi; 29 Nudist; 30 Pettifog. DOWN: 1 Daring; 2 Smugglers; 3 Reheats; 4 Stand-in; 6 Iguanas; 7 Nabob; 8 Liegemen; 9 Editor; 16 Bookshelf; 17 Young man; 19 Alights; 20 Enlist; 21 Trapeze; 22 Earnest; 23 Flying; 25 Poked.


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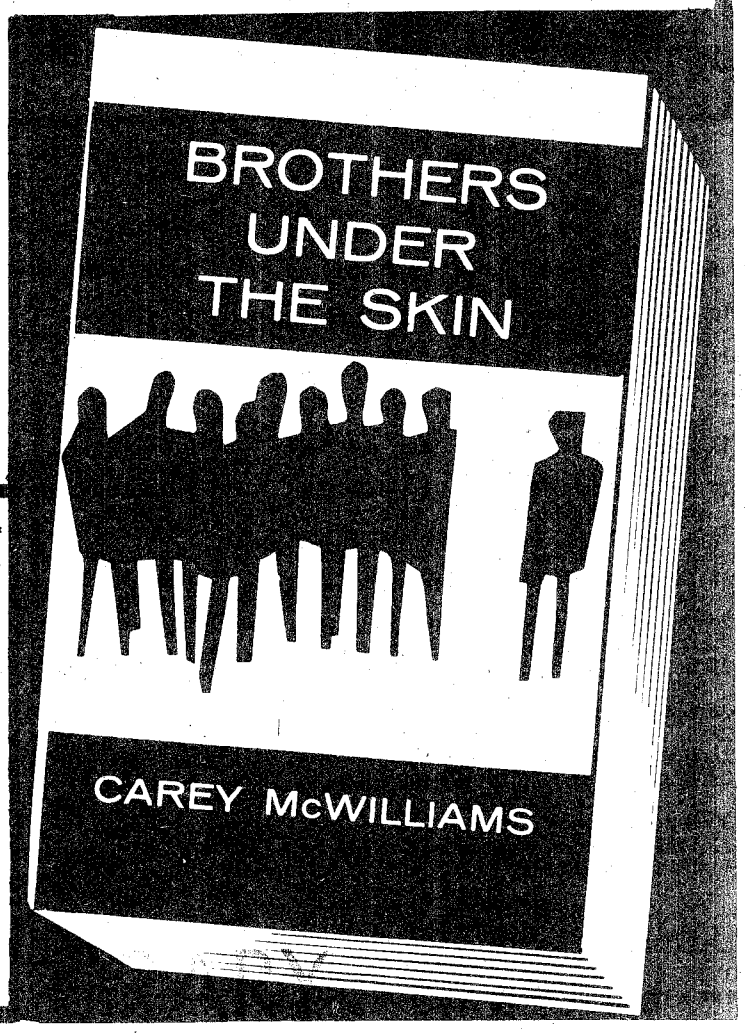


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